

1	IN THE UNITED STATES DISTRICT COURT	1	INDEX
2	FOR THE NORTHERN DISTRICT OF ILLINOIS	2	WITNESS EXAMINATION
3	EASTERN DIVISION	3	Christian Jensen
4		4	By Mr. Romanucci 4
5	CHEVELLE & HOLLY CLEMENTS, as)	5	
6	Co-Administrators of the)	6	
7	Estate of DECYNTHIA CLEMENTS,)	7	
8	Deceased,)	8	EXHIBITS
9	Plaintiffs,) No. 18 CV 3995	9	NUMBER MARKED FOR ID
10	-v-)	10	Jensen Deposition
11	CITY OF ELGIN, a municipal)	11	Exhibit No. 1 37
12	corporation; et al.,)	12	Exhibit No. 2 56
13	Defendants.)	13	Exhibit No. 3 95
14		14	Exhibit No. 4 95
15	The video deposition of Christian Jensen,	15	Exhibit No. 5 105
16	called for examination pursuant to the Rules of	16	Exhibit No. 6 110
17	Civil Procedure for the United States District	17	Exhibit No. 7 118
18	Courts pertaining to the taking of depositions,	18	Exhibit No. 8 118
19	on the 24th day of November, 2020, at the hour of	19	Exhibit No. 9 124
20	11:00 a.m., via zoom, pursuant to notice.	20	Exhibit No. 10 126
21		21	Exhibit No. 11 127
22	(Proceedings concluded at 3:15 p.m.)	22	Exhibit No. 12 130
23	REPORTED BY ELVIRA M. MOLNAR	23	Exhibit No. 13 131
24	CERTIFIED SHORTHAND REPORTER LICENSE NO. 84-3309	24	Exhibit No. 14 147
	1		3
1	APPEARANCES:	1	THE VIDEOGRAPHER: We are now on the record.
2	ROMANUCCI & BLANDIN	2	The time is 11:02 a.m. Please proceed.
3	MR. ANTONIO M. ROMANUCCI	3	(Whereupon, the witness was duly
4	MS. BHAVANI RAVEENDRAN	4	sworn.)
5	321 North Clark Street, Suite 900	5	Christian Jensen,
6	Chicago, Illinois 60654	6	called as a witness herein, having been first duly
7	312-458-1000	7	sworn, was examined and testified as follows:
8	aromanucci@rblaw.net	8	EXAMINATION
9	braveendran@rblaw.net	9	BY MR. ROMANUCCI:
10	appeared on behalf of the Plaintiffs;	10	Q. Good morning, Officer Jensen. My name is
11		11	Tony Romanucci. I am one of the attorneys
12	DEANO & SCARRY, LLC	12	representing the Estate of DeCynthia Clements.
13	MR. JAMES L. DEANO	13	Can you state your full name, please.
14	MR. RAYMOND BYRNE	14	A. Yes. It's Christian Jensen, spelled
15	53 West Jackson Boulevard, Suite 1610	15	J-E-N-S-E-N.
16	Chicago, Illinois 60604	16	Q. No middle initial?
17	630-690-2800	17	A. M.
18	jdeano@deanoscarry.com	18	Q. I'm sorry, what was it?
19	appeared on behalf of the Defendants.	19	A. M.
20		20	Q. Very well. Officer Jensen, we are taking
21	ALSO PRESENT:	21	this deposition, as you can see, by video
22	Mr. Andrew Stroth	22	conference. This is something that we didn't do
23	Mr. Ian Fallon	23	very often prior to the pandemic, but now has
24	Ms. Eva Dickey	24	become standard operating procedure in this world
	Mr. Holly Lucy		
	Mr. Tom Scheckel		
	2		4



<p>1 with Covid.</p> <p>2 So we have some hurdles that we are going</p> <p>3 to have to get over today, and that's making sure</p> <p>4 that you and I cooperate with each other. Meaning</p> <p>5 that as I ask the question, that you are to give</p> <p>6 the answer. And it's probably best to wait a</p> <p>7 quarter to half second after you think I'm done to</p> <p>8 make sure that I'm done with my question, that I'm</p> <p>9 still not thinking about what else to ask. And I</p> <p>10 will do the same with you. I will do my best to</p> <p>11 wait for you to finish your answer before I begin</p> <p>12 the next question.</p> <p>13 Have you given a deposition before?</p> <p>14 A. Yes, I have.</p> <p>15 Q. Are you familiar with the rules or would</p> <p>16 you like me to go over them with you?</p> <p>17 A. Why don't you go over them again.</p> <p>18 Q. So, I am here to ask you questions and</p> <p>19 you're here to give answers as a result of the</p> <p>20 lawsuit that was filed against the City of Elgin</p> <p>21 and yourself for the death of Cynthia --</p> <p>22 Decynthia Clements on March 12, 2018.</p> <p>23 As I told you, it's very important that we</p> <p>24 don't speak over each other because despite the</p> <p style="text-align: right;">5</p>	<p>1 know, every one to two hours we will take a break.</p> <p>2 We will certainly accommodate if you need to make a</p> <p>3 phone call or comfort breaks.</p> <p>4 And because we are going to be working</p> <p>5 over the lunch hour, we will probably take maybe an</p> <p>6 extra few minutes when we take our first break or</p> <p>7 so if you want to get some nourishment and</p> <p>8 something to drink, also, okay?</p> <p>9 A. Sounds good.</p> <p>10 Q. All right. So you have already told me</p> <p>11 your name. I want you to tell me where are you</p> <p>12 located right now? Where are you giving this</p> <p>13 deposition at?</p> <p>14 A. I am at the Elgin Police Department inside</p> <p>15 my office.</p> <p>16 Q. And what is your current rank in the</p> <p>17 Elgin Police Department?</p> <p>18 A. I'm a lieutenant.</p> <p>19 Q. And you have been a lieutenant for how</p> <p>20 long?</p> <p>21 A. Since late 2016 early 2017. I forget the</p> <p>22 exact swear in.</p> <p>23 Q. And how many years have you been employed</p> <p>24 by the Elgin Police Department as a sworn officer?</p> <p style="text-align: right;">7</p>
<p>1 fact that this is being recorded video-wise, the</p> <p>2 court reporter still has to make a record of this.</p> <p>3 So she is going to be required to write down</p> <p>4 everything that you're saying, that I am saying,</p> <p>5 that your attorney may be saying, or anybody else</p> <p>6 who is participating.</p> <p>7 Is that understood?</p> <p>8 A. Yes, sir.</p> <p>9 Q. The other thing is obviously I am looking</p> <p>10 here to get information from you, and I am here to</p> <p>11 also exhaust your memory about certain things.</p> <p>12 Now, if you have no memory or you have no</p> <p>13 information, that would be appropriate. But if I</p> <p>14 asked you, for example, to give me an example on</p> <p>15 time or distance or speed, which may not be an</p> <p>16 issue in this case, I want you to give me your best</p> <p>17 estimate. I want you to give me your closest</p> <p>18 estimate that you can. I am not asking you to</p> <p>19 guess, because nobody wants a guess, but I do want</p> <p>20 you to give me your best answer to the question.</p> <p>21 You're allowed to take breaks at any time.</p> <p>22 The only time you're not allowed to take a break is</p> <p>23 if there is a question pending. We will take</p> <p>24 periodic breaks as it is, anyway. Typically, you</p> <p style="text-align: right;">6</p>	<p>1 A. 21 years.</p> <p>2 Q. Prior -- or prior to your employment with</p> <p>3 Elgin or at any time, have you ever been convicted</p> <p>4 of a felony or a misdemeanor?</p> <p>5 A. No, sir.</p> <p>6 Q. And have you ever been disciplined in your</p> <p>7 capacity in the Elgin Police Department for on duty</p> <p>8 incidents?</p> <p>9 A. No, sir.</p> <p>10 Q. Do you agree that you were on duty the</p> <p>11 night of March 11th and the morning of March 12th,</p> <p>12 2018, as an Elgin Police Officer?</p> <p>13 A. Yes, sir.</p> <p>14 Q. And at that time you were sworn as an</p> <p>15 Elgin Police Officer, also, is that correct, sir?</p> <p>16 A. Yes, sir.</p> <p>17 Q. You arrived on scene of an incident in</p> <p>18 progress of a stalled vehicle on I-90 westbound at</p> <p>19 approximately 12:30 a.m., true?</p> <p>20 A. Yes.</p> <p>21 Q. And you were a lieutenant at the time, is</p> <p>22 that correct, sir?</p> <p>23 A. Yes, sir.</p> <p>24 Q. When you arrived on scene, you were the</p> <p style="text-align: right;">8</p>



<p>1 officer in charge, true?</p> <p>2 A. That is true.</p> <p>3 Q. And you remained the officer in charge</p> <p>4 until DeCynthia Clements was killed, true?</p> <p>5 A. True.</p> <p>6 Q. You were wearing your duty uniform, true?</p> <p>7 A. True.</p> <p>8 Q. You were also wearing your duty belt, is</p> <p>9 that correct?</p> <p>10 A. Yes, sir.</p> <p>11 Q. We will cover what options you had on your</p> <p>12 duty belt at a later time, but you were also</p> <p>13 carrying your duty weapon, is that correct?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And am I correct that your duty weapon was</p> <p>16 loaded with Elgin Police Department issued bullets?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Some time during the morning of March 12,</p> <p>19 2018, you consciously and knowingly placed your</p> <p>20 index finger on the trigger of your gun, is that</p> <p>21 correct, sir?</p> <p>22 A. Yes, sir.</p> <p>23 Q. You aimed your gun at DeCynthia Clements,</p> <p>24 is that correct?</p> <p style="text-align: right;">9</p>	<p>1 knowing that your option of using your duty weapon</p> <p>2 was designed to take human life, is that correct?</p> <p>3 A. Yes, it is.</p> <p>4 Q. You knowingly pulled the trigger causing</p> <p>5 the bullet to discharge from your weapon, is that</p> <p>6 correct, sir?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Are you aware of any directive or order or</p> <p>9 standing operating procedure within the</p> <p>10 Elgin Police Department that talks about or directs</p> <p>11 you with respect to the sanctity of life?</p> <p>12 A. Yes, sir.</p> <p>13 Q. What is your familiarity with respect to</p> <p>14 what the Elgin Police Department trains its</p> <p>15 officers with respect to the sanctity of life?</p> <p>16 A. We hold that in the highest regard.</p> <p>17 Q. Are you aware of any other directive</p> <p>18 within the Elgin Police Department that talks about</p> <p>19 human life that is any more important than the</p> <p>20 sanctity of life?</p> <p>21 A. Human life is the most important, yes.</p> <p>22 Q. And you agree that DeCynthia Clements'</p> <p>23 life was important on the morning of March 12,</p> <p>24 2018?</p> <p style="text-align: right;">11</p>
<p>1 A. Yes, sir.</p> <p>2 Q. You pulled the trigger on that gun, true?</p> <p>3 A. That is true.</p> <p>4 Q. You pulled the trigger three times, is</p> <p>5 that correct, sir?</p> <p>6 A. Yes, sir.</p> <p>7 Q. You shot three times in the direction of</p> <p>8 DeCynthia Clements, is that correct?</p> <p>9 A. Yes, sir.</p> <p>10 Q. That was a conscious and knowing decision</p> <p>11 on your part, is that true?</p> <p>12 A. That is true.</p> <p>13 Q. You shot and killed DeCynthia Clements</p> <p>14 knowing that your actions were designed to take</p> <p>15 human life, is that correct, sir?</p> <p>16 A. It was done -- no, that's kind of</p> <p>17 incorrect, sir. It was done to stop an immediate</p> <p>18 threat.</p> <p>19 Q. So you do not agree that your duty weapon</p> <p>20 is a mechanism, is a tool designed, to take human</p> <p>21 life?</p> <p>22 A. It is, yes.</p> <p>23 Q. So let me reask the question.</p> <p>24 You shot and killed DeCynthia Clements</p> <p style="text-align: right;">10</p>	<p>1 A. Yes, it was.</p> <p>2 Q. DeCynthia Clements deserved to live on</p> <p>3 March 12, 2018, is that correct, sir?</p> <p>4 MR. DEANO: Object to the form of the question.</p> <p>5 You can answer it, if you can.</p> <p>6 THE WITNESS: Should I answer the question?</p> <p>7 MR. DEANO: My objection is noted.</p> <p>8 BY MR. ROMANUCCI:</p> <p>9 Q. If your attorney objects, and unless he</p> <p>10 tells you not to, there are only two circumstances</p> <p>11 under which you do not answer questions,</p> <p>12 Mr. Jensen, or Officer Jensen, and your attorney</p> <p>13 and I will have that discussion. You will hear it.</p> <p>14 So you can answer the question.</p> <p>15 MR. DEANO: And my objection is vagueness as to</p> <p>16 time.</p> <p>17 THE WITNESS: DeCynthia Clements' life</p> <p>18 absolutely was important and it mattered. However,</p> <p>19 her actions mitigated that.</p> <p>20 BY MR. ROMANUCCI:</p> <p>21 Q. Officer Jensen, I would like to go</p> <p>22 through, obviously we are going to spend some time</p> <p>23 together today, so I would like to go through some</p> <p>24 other matters, some other factors, that are</p> <p style="text-align: right;">12</p>



<p>1 important for that day.</p> <p>2 I would like to understand a little bit</p> <p>3 more about your employment history. You told us</p> <p>4 that as of today you have been employed with the</p> <p>5 Elgin Police Department for 21 years, true?</p> <p>6 A. True.</p> <p>7 Q. So back in about 2018, that number would</p> <p>8 have been about 18 or 19 years, is that correct?</p> <p>9 A. Yes, sir.</p> <p>10 Q. And lead me through when you were first</p> <p>11 hired by the Elgin Police Officer what capacity you</p> <p>12 were hired as.</p> <p>13 A. I was hired in June of '99. From June of</p> <p>14 '99 to approximately October I was in the field</p> <p>15 training program.</p> <p>16 From the field training program I went to</p> <p>17 the midnight shift patrol. And, then, at some</p> <p>18 point in time I transferred to the afternoon shift</p> <p>19 patrol.</p> <p>20 In May of 2001 I went into the gang crimes</p> <p>21 unit. I was in the gang crimes unit for</p> <p>22 approximately ten years until I was promoted to the</p> <p>23 rank of sergeant.</p> <p>24 would you like me to keep explaining, sir?</p> <p style="text-align: right;">13</p>	<p>1 Q. Were you a member of the SWAT unit in</p> <p>2 March of 2018?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Are you aware or do you know what the</p> <p>5 statistical numbers are for the population makeup</p> <p>6 in Elgin in terms of white demographic, black</p> <p>7 demographic and brown?</p> <p>8 A. I do not have those exact numbers. I can</p> <p>9 speculate, but I don't have exact.</p> <p>10 Q. Can you give me an approximation of what</p> <p>11 your understanding of the population makeup is in</p> <p>12 Elgin?</p> <p>13 A. As far as African American were 12 to</p> <p>14 14 percent, I believe. Somewhere in that ballpark.</p> <p>15 Hispanic is a little over 50 percent. And</p> <p>16 Caucasian and Asian make up all the rest, whatever</p> <p>17 percentage breakdown that would be.</p> <p>18 Q. What is your height and weight?</p> <p>19 A. I am 6 foot, 170.</p> <p>20 Q. And because we are remote and you're in a</p> <p>21 different location, I cannot see your sleeves or</p> <p>22 arms. Do you have any ink marks or tattoos</p> <p>23 anywhere on your body?</p> <p>24 A. I do not, sir.</p> <p style="text-align: right;">15</p>
<p>1 I didn't know if you were just writing notes or</p> <p>2 what.</p> <p>3 Q. I am just writing notes. Yes, unless I</p> <p>4 stop you, you can keep going.</p> <p>5 A. Okay. All right. After the gang crimes,</p> <p>6 I became a sergeant in October of 2011. And from</p> <p>7 2011 until early 2012 I was out on the fourth watch</p> <p>8 as a sergeant, which is a split shift. It's 8:00</p> <p>9 at night until 4:00 in the morning.</p> <p>10 After that I went into the drug unit as</p> <p>11 the supervisor as a sergeant in charge. I was in</p> <p>12 the drug unit for approximately three years.</p> <p>13 And, then, I went to supervise the gang</p> <p>14 crimes division. And I was in there about a year</p> <p>15 and a half, I would say. And, then, after that I</p> <p>16 became a lieutenant of the midnight shift.</p> <p>17 And I did have ancillary duties, if you</p> <p>18 would like to hear those.</p> <p>19 Q. Go ahead.</p> <p>20 A. From 2002 until 2018 I was a member of the</p> <p>21 Elgin Police Department SWAT team.</p> <p>22 Q. Can you give me those dates again, please?</p> <p>23 A. 2002 to 2018. I was on the team for</p> <p>24 16 years.</p> <p style="text-align: right;">14</p>	<p>1 Q. So, none, is that correct?</p> <p>2 A. None.</p> <p>3 Q. And can you tell me with respect to your</p> <p>4 duty weapon, are you right handed or left handed?</p> <p>5 A. Right handed.</p> <p>6 Q. So strong side right, weak side left?</p> <p>7 A. Yes, sir.</p> <p>8 Q. On the night of March 12, 2018, I think</p> <p>9 you already told me that you were wearing your duty</p> <p>10 belt. Can you tell me what you were carrying on</p> <p>11 your duty belt and any other equipment that you may</p> <p>12 have been carrying on your vest or on your person?</p> <p>13 A. Yes. I carry, obviously, I have a</p> <p>14 sidearm. I carry two extra magazines. I carry</p> <p>15 pepper spray. I have on my radio. I have a glass</p> <p>16 break tool. I have two pairs of handcuffs. I have</p> <p>17 a door hook to keep open a door. That would go on</p> <p>18 any type of door we would need to keep open. And I</p> <p>19 have a flashlight. And I have a pen and a note</p> <p>20 pad.</p> <p>21 Q. No taser for you?</p> <p>22 A. No, sir.</p> <p>23 Q. No baton?</p> <p>24 A. No, sir.</p> <p style="text-align: right;">16</p>



<p>1 Q. Any other impact weapons?</p> <p>2 A. No, sir.</p> <p>3 Q. Are you certified to use a taser?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Is there a reason why you don't carry a</p> <p>6 taser?</p> <p>7 A. I didn't have a taser issued at that time</p> <p>8 because we didn't have the amount of tasers. The</p> <p>9 patrolmen were all getting them first, and I did</p> <p>10 not have one.</p> <p>11 Q. During your training with the Elgin Police</p> <p>12 Department, can you tell me specifically what</p> <p>13 training you had in the academy, if any, dealing or</p> <p>14 being subjected to persons with emotional</p> <p>15 disturbances or mental illness?</p> <p>16 A. I don't recall in the academy because that</p> <p>17 was quite a while ago, sir, what we had exactly, so</p> <p>18 I don't want to speculate on the training. I can</p> <p>19 give you examples at the Elgin Police Department.</p> <p>20 Q. So let's just take one answer at a time.</p> <p>21 As you sit here, you have no recollection whether</p> <p>22 you had any or not of training with either</p> <p>23 emotionally disturbed people or with mental</p> <p>24 illness, is that correct?</p> <p style="text-align: right;">17</p>	<p>1 through the Elgin Police Department. I can</p> <p>2 speculate the things they taught me in the academy.</p> <p>3 To give them space, to talk to them calmly, not to</p> <p>4 lie to them, but that's as far as I can go with</p> <p>5 that from the academy.</p> <p>6 Q. Anything else you'd be guessing, right?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Now, after the academy, can you walk me</p> <p>9 through the specific training you received with</p> <p>10 regard to dealing with suspects or people on the</p> <p>11 street who are mentally or emotionally disturbed?</p> <p>12 A. Yes, I have received CIT training at the</p> <p>13 Elgin Police Department. I am not a certified CIT</p> <p>14 officer, but I have received in-service training in</p> <p>15 the techniques of CIT.</p> <p>16 Q. Can you tell me what the difference is</p> <p>17 between receiving training and being certified?</p> <p>18 A. The certification course for CIT is a</p> <p>19 five-day course usually offered at the</p> <p>20 Kane County State's Attorney's Office. I have not</p> <p>21 taken that course yet. But we did have in-service</p> <p>22 training here taught by certified CIT instructor --</p> <p>23 CIT instructor. And I attended that in-service.</p> <p>24 Q. And how long is the training for CIT?</p> <p style="text-align: right;">19</p>
<p>1 A. That is correct. I am sure we had it, but</p> <p>2 23 years ago I don't remember the exact training we</p> <p>3 had or how in depth it was.</p> <p>4 Q. Would it be an accurate statement that</p> <p>5 whatever training you had in the Elgin Police</p> <p>6 Department while you were at the academy</p> <p>7 did not play a role in your dealings with</p> <p>8 DeCynthia Clements on March 12, 2018, since you</p> <p>9 have no recollection of that training?</p> <p>10 MR. DEANO: I am going to object. That</p> <p>11 misstates his earlier testimony. What he said is</p> <p>12 he didn't recall the academy training on emotional</p> <p>13 disturbance and mental illness.</p> <p>14 BY MR. ROMANUCCI:</p> <p>15 Q. You can answer the question.</p> <p>16 A. I don't recall the academy training I had</p> <p>17 23 years ago. I don't recall that.</p> <p>18 Q. Are you able to tell me anything that you</p> <p>19 learned at the academy with respect to mental</p> <p>20 illness or emotionally disturbed persons as you sit</p> <p>21 here today that you can apply in your -- that you</p> <p>22 can apply in your work force on the street in</p> <p>23 dealing with EDPs or mental illness?</p> <p>24 A. Most of my training on that has been</p> <p style="text-align: right;">18</p>	<p>1 A. If you add the actual week-long training,</p> <p>2 it's a 5-day 40-hour class.</p> <p>3 Q. And the certification would be an</p> <p>4 additional five days?</p> <p>5 A. No. I believe it's just a five-day class,</p> <p>6 sir. It's just a 40-hour class.</p> <p>7 Q. So CI -- CIT training is a 40-hour class?</p> <p>8 A. Yes.</p> <p>9 Q. And you underwent that?</p> <p>10 A. I did not.</p> <p>11 Q. All right. I think we have a little bit</p> <p>12 of a disconnect. You told me that you were CIT</p> <p>13 trained. Is that correct?</p> <p>14 A. I was CIT trained at the Elgin Police</p> <p>15 Department in in-service training, which was an</p> <p>16 eight-hour class. I did not go to the certified</p> <p>17 40-hour CIT training.</p> <p>18 Q. Okay. So the training is eight hours.</p> <p>19 would that be over one day? Is it spread out over</p> <p>20 two days? How many days?</p> <p>21 A. One day, sir.</p> <p>22 Q. What year did you obtain or did you go for</p> <p>23 your CIT training?</p> <p>24 A. I don't recall that. I would have to</p> <p style="text-align: right;">20</p>



<p>1 review the training records for the Elgin Police 2 Department.</p> <p>3 Q. Was it in the 1990s or 2000s?</p> <p>4 A. It was in the 2000s.</p> <p>5 Q. But you don't know if it was between 2000 6 and 2010 or 2010 and 2018?</p> <p>7 A. It would have been between 2010 and 2018.</p> <p>8 Q. But you don't know the year as you sit 9 there today?</p> <p>10 A. No, sir, I don't.</p> <p>11 Q. As you sit here, tell me what you recall 12 about that eight-hour one-day class that you took.</p> <p>13 A. You're supposed to speak calmly to the 14 individual. Do everything you can not to make them 15 agitated. You are supposed to try to build 16 somewhat of a rapport and determine if you can 17 calmly resolve the situation and get them to an 18 area where -- where they can receive other help 19 that they need.</p> <p>20 Q. When you say another area where they can 21 receive help, does that include a mental help 22 hospital?</p> <p>23 A. Yes, a mental help hospital or our 24 Elgin hospitals have what's called -- it's an</p> <p style="text-align: right;">21</p>	<p>1 eastbound side of I-90 with the barrier as 2 protection. I tried to obtain some type of verbal 3 contact with her. She would not roll down the 4 window. She would not look -- she would not look 5 at my direction or acknowledge me, and I could not 6 make any contact with her.</p> <p>7 Q. Did you speak to her? My question was did 8 you speak any words to her?</p> <p>9 A. I did.</p> <p>10 Q. What words did you speak to her?</p> <p>11 A. I called out her name, and I don't recall 12 exactly the words I spoke with her. Obviously, 13 it's all on the body camera, but I tried to get her 14 attention, and I tried to engage in conversation.</p> <p>15 Q. Did you engage the assistance of any of 16 the certified CIT officers on scene to talk to 17 DeCynthia?</p> <p>18 A. I did.</p> <p>19 Q. Which one?</p> <p>20 A. Sergeant Hartman.</p> <p>21 Q. Would he have been the only one?</p> <p>22 A. He was the only one I put in charge there, 23 because he was -- he was previously in charge of 24 the crisis negotiating team, and he is a certified</p> <p style="text-align: right;">23</p>
<p>1 Ecker Center, and that is a mental health area 2 where they go -- where you take an individual and 3 at the hospital they have a counselor do an 4 evaluation.</p> <p>5 Q. Is an ambulance an area of help?</p> <p>6 A. I would not say an ambulance is an area of 7 mental health help. It's just a transport.</p> <p>8 Q. Are you a trained negotiator?</p> <p>9 A. I am not.</p> <p>10 Q. As you sit here today, can you tell me who 11 was CIT certified that was on scene at the 12 DeCynthia Clements event?</p> <p>13 A. Sergeant Hartman, Officer Williamson.</p> <p>14 Q. Is that --</p> <p>15 A. I believe Officer Hall, as well.</p> <p>16 Q. So you recall having three certified CIT 17 officers on scene that night, is that correct?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Well, let's talk about your role as a CIT 20 trained officer that night. Can you tell me what 21 conversation that you had with DeCynthia Clements? 22 What words did you speak to her, and what words did 23 she speak to you?</p> <p>24 A. I approached her vehicle. I was on the</p> <p style="text-align: right;">22</p>	<p>1 CIT officer.</p> <p>2 Q. Would I be correct that Officers 3 Williamson and Hall did not play a role in the 4 negotiations with DeCynthia Clements?</p> <p>5 A. If they did, I did not observe that or I 6 do not recall observing that.</p> <p>7 Q. Well, let's just kind of tie this up a 8 little bit. There were three CIT certified 9 officers on scene; Hartman, Williamson and Hall. 10 Your recollection is that only Officer Hartman was 11 engaged in the discussions and negotiations with 12 DeCynthia Clements, true?</p> <p>13 A. True.</p> <p>14 Q. Was it your order to Hartman to negotiate 15 with DeCynthia?</p> <p>16 A. Wasn't a direct order. I just advised 17 him.</p> <p>18 Q. So it was you who asked him to negotiate 19 with DeCynthia, correct?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And were you on scene when that occurred, 22 or were you still at the station or en route?</p> <p>23 A. I was on scene.</p> <p>24 Q. Were you on scene, then, when Hartman</p> <p style="text-align: right;">24</p>



<p>1 began his negotiations with DeCynthia?</p> <p>2 A. Yes, I was.</p> <p>3 Q. Tell me everything that you saw and heard</p> <p>4 with respect to the negotiations between Hartman</p> <p>5 and Clements.</p> <p>6 A. He was on the PA trying to speak with her.</p> <p>7 And I also know he attempted to call her. And he</p> <p>8 was unable to make contact.</p> <p>9 Q. So when you're saying he was on the PA, is</p> <p>10 he on the portable PA, or is he talking through the</p> <p>11 PA from his vehicle aimed at her?</p> <p>12 A. From the squad car aimed at her.</p> <p>13 Q. And when you say he called her, he made an</p> <p>14 attempt to call her from cell phone to cell phone?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Do you know how he obtained her cell phone</p> <p>17 number?</p> <p>18 A. No. I can only assume he contacted</p> <p>19 dispatch that did a computer check and obtained a</p> <p>20 cell phone number.</p> <p>21 Q. Do you know whether or not there was any</p> <p>22 contact that was made between Hartman and Clements</p> <p>23 via cell phone?</p> <p>24 A. I do not believe there was any contact.</p> <p style="text-align: right;">25</p>	<p>1 through the window.</p> <p>2 Q. Well, how close was he when he made that</p> <p>3 observation?</p> <p>4 A. He was at her driver's side window at that</p> <p>5 point.</p> <p>6 Q. And was the window up or down?</p> <p>7 A. I don't recall. I wasn't -- at that time</p> <p>8 I was not on scene.</p> <p>9 Q. Did you ever see DeCynthia Clements with</p> <p>10 her windows rolled down?</p> <p>11 A. I did not.</p> <p>12 Q. Is Officer Joniak certified as a CIT -- in</p> <p>13 crisis intervention?</p> <p>14 A. I do not know, sir.</p> <p>15 Q. Who is it that approached</p> <p>16 DeCynthia Clements while she was in the</p> <p>17 vehicle prior to it starting on fire while</p> <p>18 you were on scene?</p> <p>19 A. I approached it, and I don't recall</p> <p>20 which other officers approached it besides</p> <p>21 Officer Joniak.</p> <p>22 Q. Did you see any sharp objects in the car</p> <p>23 when you approached it?</p> <p>24 A. Not the first time, no, sir.</p> <p style="text-align: right;">27</p>
<p>1 Q. Do you know whether or not Officer Hartman</p> <p>2 made any attempts to approach DeCynthia at the</p> <p>3 vehicle and make -- and attempt to negotiate with</p> <p>4 her?</p> <p>5 A. I don't recall, sir.</p> <p>6 Q. Do you recall Officer Hartman ever</p> <p>7 approaching the Buick that was westbound on</p> <p>8 I-90 in an attempt to negotiate with her?</p> <p>9 A. I did not observe that. And if I did, I</p> <p>10 don't recall at this time.</p> <p>11 Q. Did Hartman ever tell you that he</p> <p>12 approached a vehicle in an attempt to negotiate</p> <p>13 with her?</p> <p>14 A. He could have. As I said, I don't recall</p> <p>15 that, though, sir.</p> <p>16 Q. Pardon me?</p> <p>17 A. He could have, but I do not recall that.</p> <p>18 Q. Who is it that you're aware of that first</p> <p>19 noticed that DeCynthia had some objects in the</p> <p>20 vehicle that either at that time were or resembled</p> <p>21 a steak knife?</p> <p>22 A. Officer Joniak.</p> <p>23 Q. And how did he make that identification?</p> <p>24 A. He advised me that he had observed it</p> <p style="text-align: right;">26</p>	<p>1 Q. When you approached it the first time, was</p> <p>2 her window rolled up or down?</p> <p>3 A. It was rolled up.</p> <p>4 Q. Did you hear any music playing inside?</p> <p>5 A. I don't recall if I did or not.</p> <p>6 Q. Did you approach the vehicle a second</p> <p>7 time?</p> <p>8 A. The second time I approached was when the</p> <p>9 vehicle was on fire.</p> <p>10 Q. So as you sit here today, is it a correct</p> <p>11 statement that you personally never saw any sharp</p> <p>12 objects in the vehicle?</p> <p>13 A. Not the first time. Only the second time.</p> <p>14 I should correct that. I did see her hold a knife</p> <p>15 to her throat when I was in the front of the</p> <p>16 vehicle pinning it in.</p> <p>17 Q. Up until that point where you saw her hold</p> <p>18 a knife to her throat, would you agree that</p> <p>19 DeCynthia Clements met the definition as the</p> <p>20 Elgin Police Department defines it as an</p> <p>21 emotionally disturbed person?</p> <p>22 A. She was either emotionally disturbed</p> <p>23 person or under the influence of alcohol or drugs</p> <p>24 or a combination thereof. I believe it's hard to</p> <p style="text-align: right;">28</p>



<p>1 specifically diagnose what she was under or if it 2 was -- if she was mentally impaired or just under 3 the influence. 4 Q. Well, you would agree that -- that either 5 temporary alcohol abuse or -- or -- or -- or 6 transient drug use falls under the definition 7 emotionally disturbed person, isn't that correct? 8 A. No, I don't believe -- that's incorrect. 9 I don't -- if you're under the influence of alcohol 10 or you're under the influence of drugs, I don't 11 know if that falls into a medical category of an 12 emotionally disturbed person. I don't want to 13 split hairs here, sir, but I don't know -- I just 14 don't know if that's the case. 15 Q. Do you know whether or not 16 DeCynthia Clements suffered from mental illness 17 prior to her exiting the vehicle? 18 A. I contacted Elgin dispatch and they had 19 said that she had had some issues at a counselor's 20 office and that we had had a call there that there 21 was a suicidal call in the past. 22 Q. So you agree that when you arrived on 23 scene on March 12, 2018, that you were put on 24 notice and that you had knowledge that</p> <p style="text-align: right;">29</p>	<p>1 personally with harm or violence? 2 A. No, sir. 3 Q. Had she threatened any other officer on 4 scene with harm or violence? 5 A. No. The only thing I can say is that by 6 ramming the vehicles when we had her pinned in, I 7 guess that is to be construed I guess as a violent 8 act. I mean, it's not something that I would use 9 force on at that point, but she was trying to break 10 out of the pin by ramming on my vehicle. 11 Q. When she was ramming your vehicle, were 12 you inside of it? 13 A. Yes, sir. 14 Q. So you knowingly put yourself in a 15 position where she could ram the vehicle while you 16 were inside, true? 17 A. Yes, that is true, sir. 18 Q. When she was ramming your vehicle, do you 19 know whether or not she was suffering from mental 20 illness? 21 A. I did not. I can only speculate that. 22 Q. Do you know whether mentally ill people 23 have the capacity -- the mental capacity to commit 24 a crime?</p> <p style="text-align: right;">31</p>
<p>1 DeCynthia Clements could or might be either an 2 emotionally disturbed person or suffering from 3 mental illness, true? 4 A. True. 5 Q. And that was your knowledge up until the 6 time that she exited the vehicle, true? 7 A. That is true, sir. 8 Q. Up until DeCynthia Clements had exited 9 the vehicle, can you state for me every single 10 crime that she had committed before that? 11 A. The crime she committed was fleeing and 12 alluding and possibly reckless driving and failure 13 to pull over. 14 Q. When did she flee and allude? 15 A. When she drove away from Officer Joniak. 16 Q. Was that before or after you told Joniak 17 to terminate? 18 A. That was before, because once I had heard 19 that the only reason he was pursuing her was for 20 traffic and for being a suspicious vehicle. 21 Through the Elgin policies, that's not a reason to 22 pursue. 23 Q. Up until the time that DeCynthia Clements 24 had exited the vehicle, had she threatened you</p> <p style="text-align: right;">30</p>	<p>1 A. I believe -- 2 MR. DEANO: I am just going to object to asking 3 for a legal conclusion, but go ahead. 4 THE WITNESS: Yes, I believe a mentally ill 5 person can commit a crime. Yes. 6 BY MR. ROMANUCCI: 7 Q. I didn't ask you if they can commit a 8 crime. I asked you do they have the mental 9 capacity to commit a crime. 10 A. I guess it would depend on the mental 11 capacity. I believe every person's mental capacity 12 is different and so, yes, I believe certain people 13 with a diminished mental capacity can commit a 14 crime. 15 Q. And do you know whether or not 16 DeCynthia Clements' mental capacity was diminished 17 to the point where she didn't have the capacity to 18 commit a crime? 19 A. I can't make that determination, sir. 20 Q. Do you know whether or not Officer Hartman 21 was able to make that determination through his 22 negotiations with DeCynthia Clements that she had 23 the capacity to commit a crime? 24 A. I can't speculate what Officer Hartman had</p> <p style="text-align: right;">32</p>



<p>1 in his mind at that time.</p> <p>2 Q. Well, did he tell you that he didn't think</p> <p>3 that she had the capacity to commit a crime?</p> <p>4 A. Never told me that.</p> <p>5 Q. Was it ever raised as a subject while you</p> <p>6 were on scene as officer in charge that her</p> <p>7 capacity was diminished that she could not commit a</p> <p>8 crime?</p> <p>9 A. I don't recall that, sir.</p> <p>10 Q. Do you agree that DeCynthia Clements</p> <p>11 showed behavior that she wanted to harm herself?</p> <p>12 A. Yes.</p> <p>13 Q. You testified that you saw her hold a</p> <p>14 knife to her throat, is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. Did any other officer see behavior that</p> <p>17 exhibited or that would have exhibited indication</p> <p>18 that DeCynthia was attempting to harm herself?</p> <p>19 A. I heard over the radio that Officer Joniak</p> <p>20 said that she may have been stabbing herself at one</p> <p>21 point.</p> <p>22 Q. Based upon your training as an</p> <p>23 Elgin Police Officer, would those two behaviors</p> <p>24 give you indication that DeCynthia Clements was an</p> <p style="text-align: right;">33</p>	<p>1 A. Yes, I agree with that.</p> <p>2 Q. Are you aware that a command that you may</p> <p>3 give to an emotionally disturbed person may not</p> <p>4 result in the desired outcome because of that</p> <p>5 mental illness? You agree with that?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And are you aware that repetitive commands</p> <p>8 are also poor form when negotiating with an</p> <p>9 emotionally disturbed or mentally ill person?</p> <p>10 MR. DEANO: I am just going to object to the</p> <p>11 form of the question.</p> <p>12 You can answer, Chris.</p> <p>13 THE WITNESS: I don't agree with that, sir.</p> <p>14 BY MR. ROMANUCCI:</p> <p>15 Q. Were you trained that repetitive commands</p> <p>16 were poor form -- are poor form with respect to</p> <p>17 EDPs and mentally ill people?</p> <p>18 A. It depends all on the situation.</p> <p>19 Sometimes it is, sometimes it is not.</p> <p>20 Q. Have you ever issued repetitive commands</p> <p>21 to a mentally ill or emotionally disturbed person</p> <p>22 prior to DeCynthia Clements in March of 2018?</p> <p>23 A. Yes, I have.</p> <p>24 Q. Give me an example of what a repetitive</p> <p style="text-align: right;">35</p>
<p>1 emotionally disturbed person and/or mentally ill?</p> <p>2 A. Yes, I can conclude that that -- that she</p> <p>3 was either emotionally disturbed, mentally ill or</p> <p>4 under the influence of alcohol or drugs or a</p> <p>5 combination of everything, sir.</p> <p>6 Q. Could you go as far as to say that</p> <p>7 DeCynthia Clements was suicidal that night?</p> <p>8 A. She was exhibiting suicidal actions by</p> <p>9 holding a knife to her throat, yes.</p> <p>10 Q. And your job as an Elgin Police Officer</p> <p>11 when you encounter someone who exhibits suicidal</p> <p>12 tendencies is to preserve that life and not end it,</p> <p>13 true?</p> <p>14 A. Yes, it's to preserve that life. However,</p> <p>15 if they are --</p> <p>16 Q. I didn't ask you -- I didn't ask -- if</p> <p>17 there is an explanation, your attorney can follow</p> <p>18 up with that.</p> <p>19 A. That's fine. I apologize.</p> <p>20 Q. That's okay.</p> <p>21 Do you agree that emotionally disturbed</p> <p>22 people and mentally ill people do not follow</p> <p>23 commands as well as those who do not have emotional</p> <p>24 disturbance or mental illness?</p> <p style="text-align: right;">34</p>	<p>1 command is.</p> <p>2 A. Ordering someone to drop a weapon.</p> <p>3 Q. Do you agree that you never told</p> <p>4 DeCynthia weapon -- DeCynthia Clements to drop her</p> <p>5 weapon when she exited her vehicle?</p> <p>6 A. No, I did. I did tell her to drop the</p> <p>7 knives.</p> <p>8 Q. Let's do that again, since we talked over</p> <p>9 each other.</p> <p>10 Do you agree that you failed to tell</p> <p>11 DeCynthia Clements to drop her weapons after she</p> <p>12 exited the vehicle?</p> <p>13 A. I did not fail to do that. I told her to</p> <p>14 drop the weapons.</p> <p>15 Q. Did you give her a command of hands?</p> <p>16 A. I'd have to refresh my memory on the</p> <p>17 video. I remember someone yelling hands. It could</p> <p>18 have been me.</p> <p>19 Q. Do you agree that emotionally disturbed</p> <p>20 people and mentally ill people do not act normal in</p> <p>21 response to commands?</p> <p>22 A. I agree with that.</p> <p>23 Q. And you were aware of that before she</p> <p>24 exited her vehicle, is that correct?</p> <p style="text-align: right;">36</p>



<p>1 A. Yes.</p> <p>2 Q. So you were aware that any commands that</p> <p>3 you might give to DeCynthia Clements after she</p> <p>4 exited her vehicle might not be responded to, is</p> <p>5 that correct?</p> <p>6 A. That is correct.</p> <p>7 Q. I will show you what we are marking right</p> <p>8 now as Jensen Exhibit No. 1.</p> <p>9 (Whereupon, Jensen Deposition</p> <p>10 Exhibit No. 1 was marked for</p> <p>11 identification as of 11/24/20.)</p> <p>12 BY MR. ROMANUCCI:</p> <p>13 Q. Officer Jensen, you can see the screen?</p> <p>14 A. Yes, sir, I can.</p> <p>15 Q. You can see the first line that says fair</p> <p>16 and impartial policing. A science-based</p> <p>17 perspective.</p> <p>18 You see that?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Do you recall when you took or when you</p> <p>21 first saw this PowerPoint presentation?</p> <p>22 A. Let me see here. This would have been at</p> <p>23 an Elgin in-service. I am not sure of the date of</p> <p>24 it, though.</p> <p style="text-align: right;">37</p>	<p>1 A. Yes, sir.</p> <p>2 Q. And it talks about affirms a black crime</p> <p>3 blink response.</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. What can you tell me about that slide?</p> <p>7 A. All right. Visual perception study.</p> <p>8 Affirms a black crime blink response. Exposure to</p> <p>9 black male faces facilitated the identification of</p> <p>10 a crime relevant objects. Exposure to white male</p> <p>11 faces inhibited the identification of crime</p> <p>12 relevant objects. Okay.</p> <p>13 Q. Right. So what does that mean to you?</p> <p>14 A. I don't know what it means to me here.</p> <p>15 Black male faces facilitated. I don't know if it's</p> <p>16 trying to allude to stereotyping or what it's</p> <p>17 getting at here.</p> <p>18 Q. Do you know why Elgin thought it was</p> <p>19 necessary to train you on black crime blink</p> <p>20 response?</p> <p>21 A. Probably for fair and impartial policing,</p> <p>22 but this slide here, given the time frame it was</p> <p>23 instructed, I am not -- I am not sure on the blink</p> <p>24 response or what that refers to.</p> <p style="text-align: right;">39</p>
<p>1 Q. Do you remember approximately how many</p> <p>2 years ago you might have seen this PowerPoint?</p> <p>3 A. Well, judging by the date of the 17th,</p> <p>4 some time from the 17th on or from 2017 on, but I</p> <p>5 don't recall exactly on the date, sir.</p> <p>6 Q. And before I show you the rest of the</p> <p>7 presentation, can you tell me what your</p> <p>8 recollection of what this presentation was about?</p> <p>9 A. I am just reading it here. I have had a</p> <p>10 lot of in-service training over the years, so I</p> <p>11 guess we'll just get into it, and I will tell you</p> <p>12 exactly what I remember about it.</p> <p>13 Q. Well, in looking at the first three</p> <p>14 slides, does anything jog your memory as to what</p> <p>15 this in-service training was about?</p> <p>16 A. Well, it's actually a fair and impartial</p> <p>17 policing. A science-based perspective.</p> <p>18 Q. And do you remember any details about it?</p> <p>19 A. No, not yet.</p> <p>20 Q. So I have just put up the second page.</p> <p>21 The first line is a graph chart. But if you look</p> <p>22 at the second slide, you see the one where it</p> <p>23 starts off visual perception study?</p> <p>24 Do you see that?</p> <p style="text-align: right;">38</p>	<p>1 Q. Do you see the third slide?</p> <p>2 A. Yes.</p> <p>3 Q. Can you read it out loud?</p> <p>4 A. I sure can.</p> <p>5 Is there some fact at the root of</p> <p>6 stereotypes including the black crime association.</p> <p>7 Q. Okay. There is a question mark at the end</p> <p>8 there. Do you see that?</p> <p>9 A. I do, sir.</p> <p>10 Q. Do you know what the answer is?</p> <p>11 A. No, I do not.</p> <p>12 Q. Earlier you told me that your</p> <p>13 understanding of the black population in Elgin is</p> <p>14 about 12 to 14 percent, is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. And that the brown population in Elgin was</p> <p>17 50 percent, which is about three to four times that</p> <p>18 of the black population, is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. Were you ever given a slide presentation</p> <p>21 with respect to the crime association rate with</p> <p>22 Hispanics, to your recollection?</p> <p>23 A. I probably was, sir. I don't recall it.</p> <p>24 Q. Well, if you were, would that be something</p> <p style="text-align: right;">40</p>



<p>1 that would be an in-service training module or</p> <p>2 PowerPoint?</p> <p>3 A. It could have, sir. We use several</p> <p>4 in-service trainings over all the year, and it's</p> <p>5 hard to remember each of the slides and each of the</p> <p>6 steps that we are shown.</p> <p>7 Q. Well, I am asking you as you sit here</p> <p>8 today do you specifically recall a PowerPoint slide</p> <p>9 that talked about the association of brown people</p> <p>10 and crime?</p> <p>11 A. No, I don't recall a specific slide unless</p> <p>12 I saw it.</p> <p>13 Q. Do you specifically recall any PowerPoint</p> <p>14 presentation or in-service training that talked</p> <p>15 about the white blink response or the crime rate</p> <p>16 associated with white people?</p> <p>17 A. No, I don't remember the slide or the</p> <p>18 stats involved with that.</p> <p>19 Q. What about with Asians, do you recall</p> <p>20 that?</p> <p>21 A. I don't recall any of that, sir.</p> <p>22 Q. So getting back to the third slide there,</p> <p>23 the question whether or not there is some fact at</p> <p>24 the root of stereotypes including the black crime</p> <p style="text-align: right;">41</p>	<p>1 about black crime association.</p> <p>2 Q. What is it that you don't follow? The</p> <p>3 presentation is telling you that there exists a</p> <p>4 black crime association stereotype; yes or no?</p> <p>5 A. That's what the presentation is inferring,</p> <p>6 yes.</p> <p>7 Q. Okay. I want to confirm that you and I</p> <p>8 are understanding the same issue here. The</p> <p>9 Elgin Police Department is telling you and training</p> <p>10 you that there exists a black association crime</p> <p>11 stereotype.</p> <p>12 Do you agree with that; yes or no?</p> <p>13 A. I can't give you an accurate answer now</p> <p>14 because I'd have to read the whole PowerPoint</p> <p>15 presentation to accurately gauge what they are</p> <p>16 explaining here.</p> <p>17 Q. Okay. Let me ask you the question once</p> <p>18 again. The Elgin Police Department is showing you</p> <p>19 a PowerPoint presentation slide in which they are</p> <p>20 telling you that there exists a black association</p> <p>21 crime stereotype. True?</p> <p>22 A. I would have to read this here, sir. I</p> <p>23 can't just look at it, glance at it, and give you</p> <p>24 an accurate answer.</p> <p style="text-align: right;">43</p>
<p>1 association, you said you don't recall the answer</p> <p>2 to that, is that correct?</p> <p>3 A. That is correct.</p> <p>4 MR. ROMANUCCI: And can you show the next</p> <p>5 slide, please.</p> <p>6 BY MR. ROMANUCCI:</p> <p>7 Q. What is the answer Mr. -- Officer Jensen?</p> <p>8 A. It says, A = Lower income people are --</p> <p>9 Q. No, Mr. Jensen. What is the answer to the</p> <p>10 question? You can read that out loud.</p> <p>11 You see yes there? You see where it says</p> <p>12 yes?</p> <p>13 A. Yes, and I was going to read all of the A,</p> <p>14 B and A plus B and C, so...</p> <p>15 Q. Do you see where it says yes with three</p> <p>16 exclamation points?</p> <p>17 A. Yes.</p> <p>18 Q. Do you know why there are three</p> <p>19 exclamation points after yes?</p> <p>20 A. Because it's the affirmative response.</p> <p>21 Q. So what Elgin Police Department is</p> <p>22 training you on is that there is a black crime</p> <p>23 association, is that correct?</p> <p>24 A. I am still not following this at all, sir,</p> <p style="text-align: right;">42</p>	<p>1 Q. Well, what is the Elgin Police</p> <p>2 Department's answer to the question? Is it a yes</p> <p>3 or a no?</p> <p>4 A. It says yes.</p> <p>5 Q. Thank you. Do you agree that lower income</p> <p>6 people are disproportionately represented among the</p> <p>7 people who commit street crimes.</p> <p>8 A. I don't know if I agree with that, sir.</p> <p>9 That's what this PowerPoint can say. I don't know</p> <p>10 if things have changed in the last three almost</p> <p>11 four years. So I can't agree with that.</p> <p>12 Q. Well, George Floyd wasn't killed until</p> <p>13 May of 2020. So within the year that this</p> <p>14 presentation was given to you and that you were</p> <p>15 trained on it, what changes are you aware of that</p> <p>16 occurred between April, 2017, and March, 2018, to</p> <p>17 disqualify the stereotype that black people are</p> <p>18 associated with crimes?</p> <p>19 A. I think all people are associated with</p> <p>20 crime, sir.</p> <p>21 Q. So what you're doing is you are</p> <p>22 representing a different opinion than what Elgin</p> <p>23 trains its officers on, is that correct?</p> <p>24 A. I am not saying that. I say we have a</p> <p style="text-align: right;">44</p>



<p>1 PowerPoint from 2017, and I am only allowed to see</p> <p>2 certain parts of it. I'd have to read over the</p> <p>3 PowerPoint. I'd have to go over the PowerPoint.</p> <p>4 And I'd have to refresh my memory on all of this.</p> <p>5 Q. Well, you were a member of the gang crimes</p> <p>6 unit, is that correct?</p> <p>7 A. Yes, sir.</p> <p>8 Q. And why don't you tell me the makeup of</p> <p>9 the gangs in Elgin. were they white gangs?</p> <p>10 A. Yes, there was.</p> <p>11 Q. were there Asian gangs?</p> <p>12 A. Yes, there was.</p> <p>13 Q. were there black gangs?</p> <p>14 A. Yes, there was.</p> <p>15 Q. were there brown ones?</p> <p>16 A. Yes, there was.</p> <p>17 Q. Tell me what the proportions of each were.</p> <p>18 A. I don't have those exact numbers right</p> <p>19 now, but we had biker gangs. There was a sizeable</p> <p>20 amount. Those were predominantly Caucasian. we</p> <p>21 had a small amount of Asian gangs that were on the</p> <p>22 decline. we had Hispanic, and we had black.</p> <p>23 I don't know the exact breakdown of each</p> <p>24 gang. The Outlaws in Elgin, which is a motorcycle</p> <p style="text-align: right;">45</p>	<p>1 Q. And what's your understanding of when you</p> <p>2 are to activate your body cam?</p> <p>3 A. whenever you are engaged in a police</p> <p>4 function.</p> <p>5 Q. And do you know approximately how much</p> <p>6 time your body cam allows you to record?</p> <p>7 A. I don't know the exact time frame if it's</p> <p>8 recording continuously. I don't know the battery</p> <p>9 life on it.</p> <p>10 Q. Is it more than 30 minutes?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Is it more than 60 minutes?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Is it more than two hours?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Do you know approximately when you</p> <p>17 activated your body camera on March 12, 2018?</p> <p>18 A. When I arrived on scene.</p> <p>19 Q. Do you know what time that was?</p> <p>20 A. Not exactly. But if you have all the</p> <p>21 timelines there, I could give you an answer on</p> <p>22 that.</p> <p>23 Q. I am just asking you right now your</p> <p>24 recollection is that you activated it when you</p> <p style="text-align: right;">47</p>
<p>1 gang, had a significant membership, so I don't know</p> <p>2 the exact breakdowns of how that would work.</p> <p>3 Q. Do you police on stereotypes?</p> <p>4 A. I do not, sir.</p> <p>5 Q. So let's review something here. On the</p> <p>6 night of March 12, 2018, you were -- one of the</p> <p>7 pieces of equipment that you didn't talk to me</p> <p>8 about that you were wearing was a body cam, is that</p> <p>9 correct?</p> <p>10 A. Yes, sir.</p> <p>11 Q. So you were wearing a body cam that night,</p> <p>12 were you not?</p> <p>13 A. Yes, sir.</p> <p>14 Q. And tell me how your body cam is</p> <p>15 activated.</p> <p>16 A. Just you push a button and the body cam</p> <p>17 activates.</p> <p>18 Q. And do you know whether it starts</p> <p>19 recording audio and video immediately, or is there</p> <p>20 a lag between either one of the two?</p> <p>21 A. As soon as you hit the button, it</p> <p>22 automatically activates immediately, and there is a</p> <p>23 30 second time that it prerecords, and that's</p> <p>24 called a buffer time.</p> <p style="text-align: right;">46</p>	<p>1 arrived on scene, true?</p> <p>2 A. True.</p> <p>3 Q. And you are to keep it on during all</p> <p>4 police functions and activities, is that correct?</p> <p>5 A. Except when having officer-to-officer</p> <p>6 contact, or if you are in a squad car that has the</p> <p>7 camera going and the -- and the audio working in</p> <p>8 the vehicle, also.</p> <p>9 Q. What directive are you working off of to</p> <p>10 instruct me or tell me that you are allowed to turn</p> <p>11 your body camera off?</p> <p>12 A. Those were the directives under the policy</p> <p>13 at that time on March 11th into March 12, 2018.</p> <p>14 Q. So those are the directives on body cam</p> <p>15 usage, is that what you're saying?</p> <p>16 A. Yes, sir.</p> <p>17 Q. So any time that you're talking to an</p> <p>18 officer your body camera is supposed to be turned</p> <p>19 off, is that what you're saying?</p> <p>20 A. You can. It's your choice.</p> <p>21 Q. You did turn your body camera off</p> <p>22 consciously that night before Decynthia Clements</p> <p>23 was killed, true?</p> <p>24 A. Yes, sir, that is true.</p> <p style="text-align: right;">48</p>



<p>1 Q. You turned it off for approximately 2 30 minutes, did you not? 3 A. I did. 4 Q. And you were in your squad car when that 5 conversation or when you turned it off, isn't that 6 true? 7 A. Yes, sir. 8 Q. Your dash cam was in the car, right? 9 A. Yes, sir. 10 Q. Did your dash cam record that 11 conversation? 12 A. Yes, sir. 13 Q. Who were you talking to that night? 14 A. I talked to several individuals 15 throughout the course of the evening. At that time 16 it was Commander Collin Flurry (phonetic), 17 Sergeant Jim Lalley, and I could have spoke with 18 Sergeant Rob Hartman, also, inside of a vehicle. 19 Q. Did you ever refer to DeCynthia Clements 20 with any derogatory or racially charged words while 21 your body camera was off? 22 A. No, sir. 23 Q. Did you ever refer to her in any racially 24 charged -- strike that.</p> <p style="text-align: right;">49</p>	<p>1 Q. Tell me about it. 2 A. We were talking about plans about how long 3 this could go, about the process we were going to 4 use, and if additional resources were going to be 5 needed to call in. 6 Q. And what resources did you decide needed 7 to be called in? 8 A. We were debating as the hours started to 9 pass, rush hour was going to start, if we were 10 going to have to have a full SWAT team mode 11 response, and how far we would allow her to drive 12 on I-90. 13 Q. So whose decision was it to not call SWAT 14 in that night? 15 A. That was a discussion between myself, 16 Commander Flurry and Sergeant Lalley. 17 Q. So maybe I misunderstood. Is that a 18 decision that the three of you made together or one 19 of the three of you made? 20 A. All three. 21 Q. Have you ever used any derogatory 22 language to call -- have you ever used any 23 derogatory language against anyone else, not 24 DeCynthia Clements?</p> <p style="text-align: right;">51</p>
<p>1 Did you ever refer to her in any 2 derogatory manner as a result of her mental 3 condition while your body camera was off? 4 A. No, sir. 5 Q. Have you ever used the N word before in 6 reference to any black people? 7 A. I had used it in court. There is a gang 8 in town that they use that term as the first part 9 of a gang name. So, yes, I have testified against 10 that in court. 11 Q. Is it your testimony that the only time 12 that you have used the N word with respect to 13 identifying a black person or referring to one has 14 been in your time in a courtroom testifying either 15 before a judge or a jury under sworn testimony? 16 A. A judge, a jury, in sworn testimony, or 17 when I have to give the actual account of words 18 spoken on a case. 19 Q. Do you recall during the 30 minutes that 20 your body camera was turned off what -- and I want 21 to know the full extent of the conversation that 22 you had with captain Flurry. 23 A. All of that was recorded on the in-car 24 squad camera.</p> <p style="text-align: right;">50</p>	<p>1 A. Derogatory language? As far as what type 2 of derogatory? 3 Q. Well, have you ever called -- have you 4 ever called or used a name against someone that 5 would be considered derogatory? 6 MR. DEANO: I object to the form of the 7 question and also the relevance. 8 Go ahead. You can answer, Chris. 9 THE WITNESS: Over my life I am sure I have 10 said bad words to people, called people names, but 11 I have never used racially charged words against 12 individuals. 13 BY MR. ROMANUCCI: 14 Q. What about ethnically charged words, have 15 you ever used an ethnically charged word against 16 someone? 17 A. No, I have not. 18 Q. Have you ever called someone a Nazi 19 before? 20 A. No. 21 Q. No? Never? 22 A. That's not a word I would use on a person. 23 Q. Do you see this letter of 24 non-appreciation?</p> <p style="text-align: right;">52</p>



<p>1 A. I do.</p> <p>2 Q. You authored that letter, didn't you?</p> <p>3 A. I did.</p> <p>4 Q. You see the last sentence there?</p> <p>5 A. Yes. I called him the word Nazi, yes.</p> <p>6 Q. So you called somebody a Nazi before,</p> <p>7 haven't you?</p> <p>8 A. I have. I didn't recall this one. This</p> <p>9 was --</p> <p>10 Q. You forgot about this one?</p> <p>11 A. Yes. This was in reference to the</p> <p>12 Seinfeld episode of the Soup Nazi. So I called</p> <p>13 Sergeant Olson the word Nazi. So, yes, that was on</p> <p>14 there. I forgot about this.</p> <p>15 Q. But you hid who you were when you sent</p> <p>16 this letter, did you not?</p> <p>17 A. I did not hide who I was.</p> <p>18 Q. Pardon me?</p> <p>19 A. I did not hide who I was. I told him I</p> <p>20 wrote it. I told the deputy chief at the time, who</p> <p>21 was Bob Beeder (phonetic), I wrote it. I told the</p> <p>22 chief I wrote it.</p> <p>23 Q. So this -- but that was after you were</p> <p>24 confronted whether or not it was you, true?</p> <p style="text-align: right;">53</p>	<p>1 Q. Have you called someone a Nazi other than</p> <p>2 Sergeant Olson?</p> <p>3 A. Not to my recollection.</p> <p>4 Q. So that was the first and only time you</p> <p>5 used that word to describe somebody, is that your</p> <p>6 testimony?</p> <p>7 A. It's my testimony I don't recall any other</p> <p>8 times.</p> <p>9 Q. And do you recall any other times that you</p> <p>10 used the N word to describe black people?</p> <p>11 A. I don't use that word, sir.</p> <p>12 MR. DEANO: I object to the form of the</p> <p>13 question. Other times.</p> <p>14 Go ahead, Chris.</p> <p>15 THE WITNESS: I already explained that, sir. I</p> <p>16 used that in courtroom testimony and to explain</p> <p>17 when things were said in cases.</p> <p>18 MR. ROMANUCCI: Let's take a short break. We</p> <p>19 have been going about an hour and 15 minutes.</p> <p>20 THE WITNESS: All right. Sounds good.</p> <p>21 THE VIDEOGRAPHER: Off the record. The time is</p> <p>22 12:14 p.m.</p> <p>23 (whereupon, there</p> <p>24 was a short break.)</p> <p style="text-align: right;">55</p>
<p>1 A. I don't recall if it was before I was</p> <p>2 confronted. I told everyone I was putting this on</p> <p>3 his desk. This wasn't a -- I didn't sneak this in.</p> <p>4 Q. What's by order of MID and SID? Can you</p> <p>5 tell us what that is?</p> <p>6 A. That's the Major Investigations Division</p> <p>7 and Special Investigations Division.</p> <p>8 Q. So you wrote that on behalf of more than</p> <p>9 one person then, true?</p> <p>10 A. Yes. Yes, sir.</p> <p>11 Q. So you were authorized by both of those</p> <p>12 divisions to write this letter and call someone a</p> <p>13 Nazi?</p> <p>14 A. Those were my words.</p> <p>15 Q. Well, aren't all the words on that letter</p> <p>16 your words?</p> <p>17 A. Yes.</p> <p>18 Q. What I am asking you is were you given the</p> <p>19 authority by both of those divisions to call</p> <p>20 someone a Nazi?</p> <p>21 A. Probably not every member, no.</p> <p>22 Q. Do you often hide your identity when you</p> <p>23 say things to other people?</p> <p>24 A. No.</p> <p style="text-align: right;">54</p>	<p>1 (whereupon, Jensen Deposition</p> <p>2 Exhibit No. 2 was marked for</p> <p>3 identification as of were.)</p> <p>4 THE VIDEOGRAPHER: Okay. We are back on the</p> <p>5 record. The time is 12:26 p.m.</p> <p>6 BY MR. ROMANUCCI:</p> <p>7 Q. Can you tell me who you met with in</p> <p>8 preparation for your deposition today?</p> <p>9 A. I met with my counsel.</p> <p>10 Q. Which one?</p> <p>11 A. James Deano.</p> <p>12 Q. Anyone else?</p> <p>13 A. I met with a representative from the</p> <p>14 Travelers Insurance Agency, also.</p> <p>15 Q. Do you know that person's name?</p> <p>16 A. I forget his name, sir.</p> <p>17 Q. So it was -- was that a non-attorney, as</p> <p>18 far as you know?</p> <p>19 A. That was someone that spoke to me about</p> <p>20 trial prep.</p> <p>21 Q. Did you meet with that person separately</p> <p>22 from your attorney?</p> <p>23 A. No, sir.</p> <p>24 Q. That person was present in the room with</p> <p style="text-align: right;">56</p>



<p>1 your attorney at the time?</p> <p>2 A. It was on a zoom, sir.</p> <p>3 Q. I should have figured that.</p> <p>4 A. Yeah.</p> <p>5 Q. So you met with -- let me rephrase that.</p> <p>6 You met on a zoom preparation call with</p> <p>7 yourself, your attorney, James Deano, and an</p> <p>8 insurance representative, is that correct?</p> <p>9 A. Yes, sir.</p> <p>10 Q. And was this representative a male or</p> <p>11 female?</p> <p>12 A. He's a male.</p> <p>13 Q. And you don't know this man's name?</p> <p>14 A. I will be able to provide that I am sure.</p> <p>15 I just don't have that now.</p> <p>16 Q. When did you meet with the three of them?</p> <p>17 A. A few weeks ago.</p> <p>18 Q. And for how long?</p> <p>19 A. An hour and a half.</p> <p>20 Q. And have you met with anybody else since</p> <p>21 that time in preparation for your deposition?</p> <p>22 A. I have not, sir.</p> <p>23 Q. You didn't speak to your attorney?</p> <p>24 A. Yes. I spoke with my counsel, absolutely.</p> <p style="text-align: right;">57</p>	<p>1 review --</p> <p>2 MR. DEANO: You don't have to.</p> <p>3 THE WITNESS: -- the reports involved, but,</p> <p>4 yeah.</p> <p>5 BY MR. ROMANUCCI:</p> <p>6 Q. Did your attorney specifically give you</p> <p>7 any documents to review?</p> <p>8 A. No. Everything is Online.</p> <p>9 Q. Are you married, Officer Jensen?</p> <p>10 A. I am.</p> <p>11 Q. When were you married?</p> <p>12 A. 2013.</p> <p>13 Q. So you were married at the time of this</p> <p>14 incident?</p> <p>15 A. Yes.</p> <p>16 Q. Did you discuss this incident with your</p> <p>17 wife?</p> <p>18 A. I have.</p> <p>19 Q. What have you told her?</p> <p>20 MR. DEANO: I am going to object. He has a</p> <p>21 privilege with his spouse.</p> <p>22 You can answer if you -- well, if you want</p> <p>23 to waive that privilege, but you don't have to</p> <p>24 waive that privilege, Chris.</p> <p style="text-align: right;">59</p>
<p>1 Yes. I spoke with him on and off since then or for</p> <p>2 quite a while now.</p> <p>3 Q. During those conversations that you had</p> <p>4 with your attorney, was anyone else present?</p> <p>5 A. No.</p> <p>6 Q. Can you tell me what records or documents</p> <p>7 or electronic media that you have reviewed in</p> <p>8 preparation for this deposition?</p> <p>9 A. I went over the state police report. I</p> <p>10 went over the Hillard Heintze report. I went over</p> <p>11 Chief Lalley's file or report. And I reviewed the</p> <p>12 videos.</p> <p>13 Q. And who provided you all these documents?</p> <p>14 A. All of them are Online through the</p> <p>15 City of Elgin.</p> <p>16 Q. So did anybody direct you that that's what</p> <p>17 you should be reviewing, or is that what you just</p> <p>18 took upon yourself to review?</p> <p>19 A. I took it upon myself.</p> <p>20 MR. DEANO: You know not to reveal anything</p> <p>21 that we have discussed, but other than that, you</p> <p>22 certainly can testify to what you have done.</p> <p>23 THE WITNESS: I took that upon myself to</p> <p>24 review, and my attorney advises me to also -- also</p> <p style="text-align: right;">58</p>	<p>1 THE WITNESS: I spoke to my wife, and I am</p> <p>2 going to keep those conversations private.</p> <p>3 MR. ROMANUCCI: We are going to go off the</p> <p>4 record for a second. Just mute for a moment.</p> <p>5 (Whereupon, a discussion</p> <p>6 was had off the record.)</p> <p>7 BY MR. ROMANUCCI:</p> <p>8 Q. Are you maintaining a privilege, then,</p> <p>9 with any discussions you have had with your wife as</p> <p>10 to what you told her about the event?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Who else have you discussed this matter to</p> <p>13 that's not your attorney?</p> <p>14 A. Well, I have spoken with several people,</p> <p>15 but not about the particulars of the case.</p> <p>16 Q. I know you gave a statement to</p> <p>17 Hillard Heintze, right? You gave that statement,</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. That was transcribed. So we know that you</p> <p>21 gave one statement. You gave a statement to</p> <p>22 Illinois State Police, isn't that true?</p> <p>23 A. Yes.</p> <p>24 Q. Did you give a statement to your insurance</p> <p style="text-align: right;">60</p>



<p>1 company, Travelers?</p> <p>2 A. I don't believe I gave a certified</p> <p>3 statement on that. I had spoken with Travelers and</p> <p>4 my counsel, but I don't recall if that was a</p> <p>5 certified transcript on that.</p> <p>6 Q. Did you give a statement to Travelers when</p> <p>7 your attorney was not present?</p> <p>8 A. No, sir.</p> <p>9 Q. Your attorney was always present when you</p> <p>10 gave statements to Travelers?</p> <p>11 A. Yes. I have never spoken to Travelers.</p> <p>12 Q. What do you mean you have never spoken to</p> <p>13 Travelers?</p> <p>14 A. Me personally to my best recollection I</p> <p>15 have never spoken to a person from Travelers and</p> <p>16 given them a statement about what occurred on</p> <p>17 scene.</p> <p>18 Q. Have you talked to any of your friends</p> <p>19 about the event of Decynthia Clements?</p> <p>20 A. People have asked me. I have talked to my</p> <p>21 friends. But I have not divulged everything about</p> <p>22 this case. Just everything that people saw, you</p> <p>23 know, online, and everyone has watched the video</p> <p>24 over and over it seems like.</p> <p style="text-align: right;">61</p>	<p>1 shot and killed Decynthia Clements?</p> <p>2 MR. DEANO: Object to the form of the question.</p> <p>3 Go ahead and answer, Chris.</p> <p>4 THE WITNESS: I am not happy I had to, no.</p> <p>5 And, yes, it does affect me, absolutely.</p> <p>6 BY MR. ROMANUCCI:</p> <p>7 Q. This is the first time that you used your</p> <p>8 duty weapon and discharged it against someone and</p> <p>9 killed someone, right?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And is it your testimony that you don't</p> <p>12 remember anybody that you talked to about this</p> <p>13 event that's bothering you outside of the police</p> <p>14 department?</p> <p>15 A. I spoke with a counselor. Per Elgin rules</p> <p>16 and regulations, I had to go speak with a</p> <p>17 psychologist.</p> <p>18 Q. That's still within the Elgin Police</p> <p>19 Department. I am talking about outside.</p> <p>20 A. I can't recall each name of the person or</p> <p>21 people I spoke with. I know hundreds of people.</p> <p>22 People have asked me about it. I didn't give them</p> <p>23 any information about it. Just, yeah, it was me</p> <p>24 that was involved, and it's something I have to</p> <p style="text-align: right;">63</p>
<p>1 Q. What are some of the names of the friends</p> <p>2 that you have spoken to?</p> <p>3 A. I'd have to go over that all and figure</p> <p>4 out which people I have. Off the top of my head, I</p> <p>5 can't recall. There is a lot of people at the</p> <p>6 Elgin -- at the Elgin Police Department here,</p> <p>7 officers.</p> <p>8 Q. So you can't give me one name of one</p> <p>9 person that you have spoken to that's not your</p> <p>10 attorney or your wife with regard to what you have</p> <p>11 said about the event?</p> <p>12 A. I have spoken to Chief Lalley. I have</p> <p>13 spoken to Deputy Chief Flurry.</p> <p>14 Q. I have asked about your friends.</p> <p>15 A. They are my friends. I have spoken to</p> <p>16 members of the SWAT team.</p> <p>17 Q. Who have you talked to outside of</p> <p>18 Elgin Police Department about this occurrence?</p> <p>19 A. I can't come up with exact names right</p> <p>20 now.</p> <p>21 Q. So you don't recall any as you sit there,</p> <p>22 right?</p> <p>23 A. No, not non-police related individuals.</p> <p>24 Q. Were you bothered by the fact that you</p> <p style="text-align: right;">62</p>	<p>1 deal with.</p> <p>2 Q. You gave a statement to the Illinois State</p> <p>3 Police, I believe, on March 19th of 2018.</p> <p>4 Do you recall that?</p> <p>5 A. I do.</p> <p>6 Q. Did you review that statement before</p> <p>7 today's deposition?</p> <p>8 A. I did.</p> <p>9 Q. Do you recall telling the Illinois State</p> <p>10 Police that Elgin Police Department officers</p> <p>11 approached the vehicle and that she refused to exit</p> <p>12 her vehicle and that she brandished knives?</p> <p>13 Do you recall saying that?</p> <p>14 A. Yes.</p> <p>15 Q. What does the word brandish mean to you?</p> <p>16 A. It means to hold -- hold them just -- hold</p> <p>17 up of the knives. Showing up that you have them.</p> <p>18 Q. Which police officer approached the</p> <p>19 vehicle and which officer did Decynthia Clements</p> <p>20 brandish a knife to?</p> <p>21 A. Which part? Is this the second time that</p> <p>22 I approached her or would this be the first time</p> <p>23 when Officer Joniak approached?</p> <p>24 Q. I don't know. I am reading from the</p> <p style="text-align: right;">64</p>



<p>1 Illinois State Police statement. It says the EPD 2 officers approached the vehicle. Clements refused 3 to exit her vehicle and brandished knives. 4 which officer did she brandish knives to 5 A. It was me when I approached the vehicle 6 the second time. 7 Q. So is it your testimony now that she held 8 up the knife and pointed them at you? 9 A. I am still trying to figure out which part 10 it was, sir, because there was officers who 11 approached the vehicle a few times. If you're 12 asking about the time when the vehicle was on fire, 13 then, yes, she was brandishing them at me. 14 Q. She never brandished a knife while she was 15 inside the vehicle to any officer, is that correct? 16 A. I don't recall. I know that 17 officer Joniak had said she had a knife inside of 18 the vehicle. I don't recall if she brandished it 19 towards him when he approached her the first time. 20 Q. Can we agree that DeCynthia Clements never 21 brandished a knife to any Elgin Police Officer 22 while she was inside the vehicle? 23 MR. DEANO: I object to foundation. 24 Go ahead and answer if you can, Chris.</p> <p style="text-align: right;">65</p>	<p>1 that she was suicidal, true? 2 A. I guess I'd have to speculate into her 3 mindset at that point. 4 Q. You had an understanding that she could or 5 might be suicidal, true? 6 A. Yes, sir. 7 Q. Do you agree that the Illinois State 8 Police Report when they indicate that Joniak 9 approached a female driver who refused to exit her 10 vehicle and brandished a knife is a false 11 statement? 12 MR. DEANO: I am going to object to the 13 foundation and also asking to speculate about what 14 somebody meant when they recorded what somebody 15 else said. 16 Go ahead and answer, Chris, if you can. 17 THE WITNESS: I can't answer what 18 Officer Joniak saw, and I can't speculate to what 19 he put in his police report or what the Illinois 20 State Police wrote down. So, I did not observe 21 that. That would be you would have to ask 22 Officer Joniak. 23 BY MR. ROMANUCCI: 24 Q. Is it true that you advised the Elgin</p> <p style="text-align: right;">67</p>
<p>1 THE WITNESS: She brandished it when we 2 approached when the car was engulfed in flames. 3 BY MR. ROMANUCCI: 4 Q. who did she brandish it to? 5 A. Me. 6 Q. Is this when she was inside the car or 7 outside the car? 8 A. This was after the car door was opened. 9 Q. All right. So listen to my question. 10 while she was inside the vehicle with the door 11 closed, is it true that she did not brandish a 12 knife toward any Elgin Police Officer that you're 13 aware of? 14 A. That I am aware of? No, I do not believe 15 she brandished a knife toward any Elgin Police 16 officer when her door was closed. 17 Q. If anything, DeCynthia Clements brandished 18 a knife on herself to her neck, is that correct? 19 A. Yes, sir. 20 Q. She never made any verbal or physical 21 threat to any Elgin Police Officer while she was 22 inside the vehicle, true? 23 A. That is true. 24 Q. while she was inside the vehicle, you knew</p> <p style="text-align: right;">66</p>	<p>1 Police Department Officers who were on scene that 2 Clements was a suicidal subject; yes or no? 3 A. Yes. 4 Q. Is it true that your observations of 5 DeCynthia Clements were that she was chewing her 6 gum, bobbing her head back and forth, talking to 7 herself, and displaying irrational behavior? 8 A. Yes. 9 Q. She did not threaten you while she was in 10 the car, true? 11 A. True. 12 Q. She did not pose a threat of bodily injury 13 or death to you while she was in the car, true? 14 A. False. 15 Q. When did she pose a threat of bodily 16 injury or harm to you while she was inside the 17 vehicle? 18 A. When I first approached the vehicle to 19 speak with her, she began to speed off causing 20 brake pads and other debris off of the vehicle to 21 fly in the direction of officers. So that would 22 have been a threat of harm. 23 Q. Did you use force on her at that point? 24 A. I did not.</p> <p style="text-align: right;">68</p>



<p>1 Q. Were you concerned about</p> <p>2 DeCynthia Clements' safety while she was</p> <p>3 in the car?</p> <p>4 A. Yes, I was.</p> <p>5 Q. Were you concerned about preserving her</p> <p>6 life?</p> <p>7 A. Yes, I was.</p> <p>8 Q. Can you list for me the non-lethal options</p> <p>9 that were available to you that night and that you</p> <p>10 did make available on scene in order to preserve</p> <p>11 her life?</p> <p>12 A. We had out the 40, which is an impact</p> <p>13 weapon. It's a 40-millimeter impact weapon. We</p> <p>14 had a taser. And we had a pepper ball launcher.</p> <p>15 Q. What's the difference between the pepper</p> <p>16 ball launcher and the impact?</p> <p>17 A. The 40-millimeter impact is for a basic</p> <p>18 explanation is an impact round that is like a hard</p> <p>19 almost like a Nerf project -- a Nerf projectile</p> <p>20 that is shot at a pretty high -- pretty high of</p> <p>21 velocity almost like a fast pitch from a major</p> <p>22 leaguer. It's designed to hit into the major</p> <p>23 muscle areas, lower stomach area, to incapacitate a</p> <p>24 person.</p> <p style="text-align: right;">69</p>	<p>1 her.</p> <p>2 Q. You did not allow the taser -- strike</p> <p>3 that.</p> <p>4 You shot at the same time that the taser</p> <p>5 was deployed, correct?</p> <p>6 A. Yes, sir.</p> <p>7 Q. At the time that you shot</p> <p>8 DeCynthia Clements, where was the 40-millimeter</p> <p>9 weapon?</p> <p>10 A. I believe it was on the median at that</p> <p>11 time, or I don't know if another officer had</p> <p>12 grabbed it.</p> <p>13 Q. How many feet away was the 40-millimeter</p> <p>14 from you when you shot DeCynthia Clements?</p> <p>15 A. I do not know that, sir.</p> <p>16 Q. Who placed it on the median; you or</p> <p>17 another officer?</p> <p>18 A. I did, sir.</p> <p>19 Q. Did you make a conscious choice to leave</p> <p>20 the 40-millimeter weapon behind and use your</p> <p>21 sidearm as a weapon against DeCynthia Clements</p> <p>22 coming out of the vehicle?</p> <p>23 A. Yes, sir.</p> <p>24 Q. And where was the pepper -- where was the</p> <p style="text-align: right;">71</p>
<p>1 You have the pepper ball, which is like a</p> <p>2 paint ball filled with pepper, and it's used to</p> <p>3 irritate on the person and cause pain compliance.</p> <p>4 You also have the taser, which is an</p> <p>5 electronic device, which when shot and if it takes</p> <p>6 effect properly was -- is designed to incapacitate</p> <p>7 a person through an electrical shock.</p> <p>8 Q. Which one of those were used, if any, on</p> <p>9 DeCynthia Clements that night?</p> <p>10 A. The taser was -- the taser was utilized,</p> <p>11 but it did not make contact.</p> <p>12 Q. Which was deployed first, the taser or did</p> <p>13 you fire your weapon?</p> <p>14 A. I believe it was simultaneous, sir.</p> <p>15 Q. So the taser would have been ineffective,</p> <p>16 anyway, true?</p> <p>17 A. It was lodged in her hair, so, yes, that</p> <p>18 would have rendered it ineffective.</p> <p>19 Q. I am not concerned about where the taser</p> <p>20 barb landed. My suggestion is that since you shot</p> <p>21 and the taser was deployed simultaneously that the</p> <p>22 taser would have been rendered ineffective by the</p> <p>23 gunshots, is that correct?</p> <p>24 A. Yes. The gunshots are what incapacitated</p> <p style="text-align: right;">70</p>	<p>1 pepper ball gun?</p> <p>2 A. I don't recall at that time.</p> <p>3 Q. Who did you put in charge of operating the</p> <p>4 pepper ball gun?</p> <p>5 A. I do not know who had it at that point. I</p> <p>6 do not know.</p> <p>7 Q. Did you put anybody in charge of aiming</p> <p>8 either the 40-millimeter or the pepper ball gun at</p> <p>9 DeCynthia Clements so as she came out of the car it</p> <p>10 could be deployed on her as non-lethal force?</p> <p>11 A. No, sir.</p> <p>12 Q. You did not give that order, true?</p> <p>13 A. I did not, that is true.</p> <p>14 Q. The only order that you gave was to halt</p> <p>15 to have the taser ready, is that correct?</p> <p>16 A. Yes, sir, that's correct.</p> <p>17 Q. And you had two other officers who were</p> <p>18 supposed to be hands on, correct?</p> <p>19 A. Yes, sir, that's correct.</p> <p>20 Q. And you were covering all with your</p> <p>21 sidearm and a shield, true?</p> <p>22 A. True.</p> <p>23 Q. What is the shield made of?</p> <p>24 A. It's made up of Kevlar material.</p> <p style="text-align: right;">72</p>



<p>1 Q. Is that Kevlar material able to withstand</p> <p>2 the stabbing of a knife?</p> <p>3 A. I am unsure. It says it is not rated for</p> <p>4 stabbing for sharp objects. I myself had never</p> <p>5 tested it with an edged weapon.</p> <p>6 Q. Why did you use a shield if you didn't</p> <p>7 know whether or not it could protect you?</p> <p>8 A. It was the best option I had at that</p> <p>9 point. It was better than nothing.</p> <p>10 Q. You also had the option of a median, did</p> <p>11 you not, of a concrete median?</p> <p>12 A. I did.</p> <p>13 Q. You didn't use that option, did you?</p> <p>14 A. It would have been an ineffective option</p> <p>15 when you're going to attempt to rescue a person out</p> <p>16 of a vehicle.</p> <p>17 Q. Let me ask the question again. You did</p> <p>18 not use the median as an option, is that correct,</p> <p>19 sir?</p> <p>20 A. That is correct.</p> <p>21 MR. DEANO: Let me object to the form of the</p> <p>22 question. Use is vague.</p> <p>23 Go ahead, Chris.</p> <p>24 BY MR. ROMANUCCI:</p> <p style="text-align: right;">73</p>	<p>1 A. Yes, sir.</p> <p>2 Q. But you were not primary then, is that</p> <p>3 correct?</p> <p>4 A. Primary in -- I don't understand primary</p> <p>5 as far as --</p> <p>6 Q. Well, primary in terms of saving life.</p> <p>7 How were you going to save her life with a gun in</p> <p>8 one hand and a shield in the other?</p> <p>9 A. I was the cover officer. Hall was the</p> <p>10 taser officer. We had two people on hands to</p> <p>11 extricate her from the vehicle, so --</p> <p>12 Q. Go ahead.</p> <p>13 A. So I don't know what primary -- if I was</p> <p>14 -- I don't understand primary life saver at that</p> <p>15 point. I could have holstered at any time if I</p> <p>16 would have had to to drag her out of the vehicle,</p> <p>17 as well.</p> <p>18 Q. You were aware that that car door could</p> <p>19 open and she come out of it, is that correct?</p> <p>20 A. Yes, that was a possibility.</p> <p>21 Q. And you were also aware that she could</p> <p>22 come out of the car with knife or knives in her</p> <p>23 hands, true?</p> <p>24 A. Yes, sir.</p> <p style="text-align: right;">75</p>
<p>1 Q. You understand I meant you didn't use the</p> <p>2 eastbound side of the median as an option to</p> <p>3 protect yourself against someone that you knew had</p> <p>4 a knife in the car, correct?</p> <p>5 A. That's incorrect depending on the time</p> <p>6 frame, sir. We used it up until the vehicle was</p> <p>7 engulfed in flames.</p> <p>8 Q. So what you're saying is that your goal</p> <p>9 was to save DeCynthia Clements when she came out of</p> <p>10 the car, true?</p> <p>11 A. Yes, true.</p> <p>12 Q. And you armed yourself with a sidearm,</p> <p>13 correct?</p> <p>14 A. Yes, sir.</p> <p>15 Q. On the westbound side of the median,</p> <p>16 correct?</p> <p>17 A. Yes, sir.</p> <p>18 Q. And you held a shield in one hand,</p> <p>19 correct?</p> <p>20 A. Yes, sir.</p> <p>21 Q. A gun in the other, correct?</p> <p>22 A. Yes, sir.</p> <p>23 Q. And you designated yourself as cover, is</p> <p>24 that correct?</p> <p style="text-align: right;">74</p>	<p>1 Q. Both those possibilities -- both those</p> <p>2 scenarios were made aware to you, is that correct?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Both those scenarios were in your head as</p> <p>5 possible outcomes once you saw the flames in the</p> <p>6 car, true?</p> <p>7 A. True.</p> <p>8 Q. Illinois State Police Report indicates</p> <p>9 that Lieutenant Jensen said it had been</p> <p>10 approximately one and a half hours of negotiation.</p> <p>11 Do you recall saying that?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Was that entire one and a half hours spent</p> <p>14 in negotiation, or was it spent walking around and</p> <p>15 talking and watching her, or was the whole time in</p> <p>16 negotiation?</p> <p>17 A. I'd say the whole time was a negotiation,</p> <p>18 but there was interruptions. I had to speak with</p> <p>19 officers. I had to speak with the supervisors. So</p> <p>20 there wasn't constant talking the whole time.</p> <p>21 Q. You were not negotiating with</p> <p>22 DeCynthia Clements for one and a half hours, is</p> <p>23 that correct?</p> <p>24 A. No.</p> <p style="text-align: right;">76</p>



<p>1 Q. Before you saw the flames inside of 2 DeCynthia Clements vehicle, you were on the 3 eastbound of the median, true?</p> <p>4 A. No. I was on the westbound pinning the 5 vehicle at that time.</p> <p>6 Q. Did you ever jump over from the east side 7 to the west side when you saw the vehicle on fire?</p> <p>8 A. Yes. Well, I dropped -- well, I was on 9 the west side and, then, I climbed the median to 10 the eastbound lanes.</p> <p>11 Q. At what point did you have -- were you 12 physically holding the impact weapon in your hand?</p> <p>13 A. Right as I hopped over the median, I was 14 -- I picked up the impact weapon, and I started to 15 debate if I should shoot one of the windows out. 16 But I determined that that could oxygenate the 17 fire. Or if I had to shoot out the driver's side, 18 the amount of smoke starting to build up within the 19 vehicle, I did not want to hit her in the head with 20 the impact, thus incapacitating her stuck inside 21 the vehicle.</p> <p>22 Q. But you had a window breaker on your 23 person at that time, also?</p> <p>24 A. Yes, sir.</p> <p style="text-align: right;">77</p>	<p>1 eight feet. Is that accurate or not?</p> <p>2 A. That's not accurate, sir. If you look at 3 the report, it's -- I believe it's three to 4 eight feet, actually.</p> <p>5 Q. So you tell me how close were you to her. 6 Three feet, eight feet, or somewhere in-between?</p> <p>7 A. I would say three to five because I was --</p> <p>8 Q. Had you had the impact weapon in your 9 hand, you would have been the same distance away, 10 true?</p> <p>11 A. Three to five feet, yes, which would 12 render that as a -- well, from three to five feet 13 the impact weapon is considered a lethal weapon.</p> <p>14 Q. So by design, when DeCynthia Clements 15 exited the vehicle, she was dead, right? She would 16 have been dead either by your gun or the impact 17 weapon?</p> <p>18 MR. DEANO: Object to the form of the question. 19 You can answer, Chris.</p> <p>20 THE WITNESS: She would not have been -- no, if 21 she would have exited out the vehicle without the 22 knives and did not charge at us, she would be here 23 right now.</p> <p>24 BY MR. ROMANUCCI:</p> <p style="text-align: right;">79</p>
<p>1 Q. Did you ever remove it and use it to break 2 a window on DeCynthia's vehicle?</p> <p>3 A. I did not.</p> <p>4 Q. And at a certain point you saw that the 5 car was filling up with smoke, right?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And you made the decision that it was 8 better for the car to continue to fill with smoke 9 than to break a window, correct?</p> <p>10 A. Yes.</p> <p>11 Q. You also made a conscious decision not to 12 bring the impact weapon with you as DeCynthia was 13 getting out the vehicle, true?</p> <p>14 A. True.</p> <p>15 Q. That impact weapon is designed as a 16 non-lethal weapon of force, correct?</p> <p>17 A. Yes, sir.</p> <p>18 Q. You were within six feet of DeCynthia when 19 you shot her with your gun, true?</p> <p>20 A. That's incorrect. I don't know what the 21 Hillard Heintze Report exactly found, but it was 22 within three to six feet. So I don't know where I 23 was at at that point. It was very close.</p> <p>24 Q. Well, Hillard Heintze said six to</p> <p style="text-align: right;">78</p>	<p>1 Q. Officer Jensen, you told us just minutes 2 ago that you were aware that she could come out of 3 the vehicle with knives in her hands, yes or no?</p> <p>4 A. Yes.</p> <p>5 Q. Had you had the impact weapon at the 6 distance that you were at, you just told us there 7 would have been lethal force, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And you use -- you chose to use your gun 10 instead, correct?</p> <p>11 A. Yes, sir.</p> <p>12 Q. At the distance that you were standing 13 when you shot at DeCynthia Clements, whether it had 14 been your impact weapon or your gun, you would have 15 used lethal force on her, true?</p> <p>16 A. Yes.</p> <p>17 Q. DeCynthia Clements was dead the moment she 18 stepped out of her car as a result of the distance 19 that you placed between her and your choice of 20 weapons, true?</p> <p>21 MR. DEANO: I object to the form of the 22 question. Also speculation and argumentative. 23 You can answer, Chris.</p> <p>24 THE WITNESS: Can you repeat that again, sir?</p> <p style="text-align: right;">80</p>



<p>1 MR. ROMANUCCI: Can I ask the reporter to read 2 it back, please. 3 (Whereupon, the record was read by 4 the reporter as requested.) 5 THE WITNESS: She was dead when she charged at 6 me with the two weapons in hand in close proximity, 7 yes, and I chose to use the firearm, yes, sir. 8 BY MR. ROMANUCCI: 9 Q. As had you had the impact weapon in your 10 hand and she charged you, nonetheless she would 11 have been dead, correct? 12 MR. DEANO: Object, speculation. 13 Go ahead and answer, Chris. 14 THE WITNESS: I can't speculate on the effect 15 of the impact weapon at that range. Could she have 16 been dead? Absolutely. 17 BY MR. ROMANUCCI: 18 Q. So that's my point. Either way your 19 choice of both weapons was designed to kill her 20 when she stepped out of the vehicle with the knives 21 in her hands, yes or no? 22 A. Yes. 23 MR. DEANO: Object to the form of the question 24 and assumes facts --</p> <p style="text-align: right;">81</p>	<p>1 Q. While we are waiting for the video to come 2 up, you agree that you did not call for an 3 ambulance until after she was shot, is that 4 correct? 5 A. I did not, no. 6 Q. Did you call for an ambulance before she 7 was shot? 8 A. I did not, no. 9 Q. During the entire time that you were on 10 the scene, did you ever call for an ambulance? 11 A. I did not, no. 12 Q. By the time you arrived on scene, you were 13 aware that she could be a mentally ill or an 14 emotionally disturbed person, true? 15 A. True. 16 MS. RAVEENDRAN: For the record, this is 17 Axon_body_2_video_2018-03-012_0055. And I have 18 added Schuttrow, because it's Officer Schuttrow's 19 body cam, for the record. 20 MR. ROMANUCCI: All right. Can we play it and, 21 then, we can go back and stop it? 22 MS. RAVEENDRAN: I believe so. 23 MR. ROMANUCCI: I don't know, can they hear 24 sound, if you play sound?</p> <p style="text-align: right;">83</p>
<p>1 MR. ROMANUCCI: He already answered. 2 Did you get the answer, Ms. Court 3 Reporter? 4 THE REPORTER: I got an answer of yes. 5 MR. ROMANUCCI: Thank you. 6 BY MR. ROMANUCCI: 7 Q. It's true that when DeCynthia Clements 8 came out of the vehicle that you were backed up so 9 that you had nowhere to go and retreat, is that 10 correct? 11 A. Yes. 12 Q. Do you agree that you placed -- you 13 consciously placed yourself in the position where 14 you had nowhere to go when DeCynthia came out of 15 the car knowing that she may be holding knives? 16 A. Yes. 17 Q. That means that you had no choice based 18 upon what you just said to use your sidearm to stop 19 her from coming toward you from a burning vehicle, 20 true? 21 A. False. 22 Q. We are going to pull up some video for you 23 right now. 24 A. Okay.</p> <p style="text-align: right;">82</p>	<p>1 MS. RAVEENDRAN: I have to mute. Yes. Hold 2 on. I can do this. 3 MR. ROMANUCCI: We are going to try and play it 4 with sound for you. 5 THE WITNESS: Okay. 6 (Whereupon, there was a 7 short interruption.) 8 MS. RAVEENDRAN: I am pressing play for one 9 hour ten minutes and five seconds. 10 (Whereupon, the video was played.) 11 BY MR. ROMANUCCI: 12 Q. You were able to see that video, 13 officer Jensen? 14 A. Yes, I was, sir. 15 Q. You're able to see it from the time that 16 you were on the eastbound side where you jumped 17 over to the westbound side up until a few seconds 18 after she was shot, correct? 19 A. Yes, sir. 20 Q. Whose voice said, If she jumps out with a 21 knife, I'll be ready to stand back? 22 who said that? 23 A. That was Officer Schuttrow. 24 Q. Is he with the Elgin Police Department or</p> <p style="text-align: right;">84</p>



<p>1 Illinois State Police?</p> <p>2 A. He is with the Elgin Police Department.</p> <p>3 Q. Was Schuttrow one of the officers with</p> <p>4 hands on?</p> <p>5 A. Yes.</p> <p>6 Q. And so you heard that same statement that</p> <p>7 he made that if she jumps out with a knife, he is</p> <p>8 going to stand back, right?</p> <p>9 A. Yes. I was the one who ordered him to</p> <p>10 jump back over.</p> <p>11 Q. You were aware that she could jump out of</p> <p>12 the car with a knife, is that correct?</p> <p>13 A. Yes, sir.</p> <p>14 Q. And do you and I agree on the word jump,</p> <p>15 what that means, kind of acting aggressively,</p> <p>16 moving quickly or swiftly? Can we agree on that</p> <p>17 definition of jump?</p> <p>18 A. Yes, sir, we can.</p> <p>19 Q. So we can agree that you were aware that</p> <p>20 DeCynthia Clements was going to quickly, swiftly,</p> <p>21 jump out of the car with a knife in her hand, is</p> <p>22 that correct?</p> <p>23 MR. DEANO: I object to the form of the</p> <p>24 question. It misstates his earlier testimony. The</p> <p style="text-align: right;">85</p>	<p>1 A. Yes, sir.</p> <p>2 Q. And had you had the impact weapon in your</p> <p>3 hand, that -- from that distance that impact weapon</p> <p>4 can be lethal force, is that correct?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And you knew that she was going to</p> <p>7 possibly jump out of the vehicle, is that correct?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And that you were pinned up against the</p> <p>10 median with nowhere to go, is that correct?</p> <p>11 A. Yes, sir.</p> <p>12 Q. When she was screaming, she was screaming</p> <p>13 inside the vehicle, not outside the vehicle, is</p> <p>14 that correct?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Was that a yes?</p> <p>17 A. Yes.</p> <p>18 Q. So the war cry that you state that she</p> <p>19 made was made inside the vehicle as a scream</p> <p>20 probably as a result of smoke inhalation, true?</p> <p>21 A. False.</p> <p>22 Q. Did she threaten you while she was inside</p> <p>23 the vehicle?</p> <p>24 A. Yes.</p> <p style="text-align: right;">87</p>
<p>1 word vague -- the word was is vague. It's not what</p> <p>2 he said.</p> <p>3 You can answer, Chris.</p> <p>4 THE WITNESS: There was a possibility. Yes,</p> <p>5 that's always a possibility.</p> <p>6 BY MR. ROMANUCCI:</p> <p>7 Q. So you were aware of that possibility,</p> <p>8 correct?</p> <p>9 A. Yes, sir.</p> <p>10 Q. You were also aware of the possibility</p> <p>11 that she could be jumping out of a car with a</p> <p>12 knife, but your goal was to preserve the sanctity</p> <p>13 of life at the same time, true?</p> <p>14 A. True.</p> <p>15 Q. However, while you were trying to preserve</p> <p>16 the sanctity of life, you placed yourself within a</p> <p>17 distance of DeCynthia Clements where you could only</p> <p>18 use your sidearm or an impact weapon, which would</p> <p>19 have had the same effect as lethal force, is that</p> <p>20 correct?</p> <p>21 A. No, that's not, sir.</p> <p>22 Q. You knew that you were standing within</p> <p>23 five feet of DeCynthia Clements when you shot her,</p> <p>24 is that correct?</p> <p style="text-align: right;">86</p>	<p>1 Q. What did she say to you when she was</p> <p>2 inside the vehicle that was a threat to you?</p> <p>3 A. She was slashing all the knives out at me.</p> <p>4 Q. I asked what verbal statements that she</p> <p>5 made to you that were a threat to you.</p> <p>6 A. No verbal statements were a threat.</p> <p>7 Q. So her war cry was not a verbal threat to</p> <p>8 you, was it?</p> <p>9 A. No.</p> <p>10 Q. But your testimony is that when she was</p> <p>11 inside the vehicle with the door open that she was</p> <p>12 slashing at you?</p> <p>13 A. Yes, sir.</p> <p>14 Q. While she was still inside the vehicle?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Is that something that we can see on the</p> <p>17 video that she was slashing at you while she was</p> <p>18 sitting inside the vehicle?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Whose body cam can we see there?</p> <p>21 A. You'd have to play it back. It could be</p> <p>22 on Schuttrow's, Hall's, and Joniak.</p> <p>23 Q. Schuttrow, Hall and Joniak?</p> <p>24 A. Yes.</p> <p style="text-align: right;">88</p>



<p>1 Q. Do you know whether or not she was trying 2 to wave the smoke away from her nose so that she 3 didn't have to breath it? 4 A. I can't speculate on that, sir. 5 Q. How many steps did DeCynthia Clements take 6 at you once she exited the vehicle; none, one, two, 7 three or four? 8 A. I believe it was three. 9 Q. Do you know which foot hit the ground 10 first; left or right? 11 A. I would have to watch the video again to 12 analyze it. It was very quick, sir. 13 Q. But your testimony is that you saw three 14 steps come at you before you shot, is that correct? 15 A. I said approximately three. 16 Q. So how much did she close the gap when you 17 were five feet away; one foot, two foot, three foot 18 or four foot? 19 A. I can only estimate that she was 20 approximately three feet away. 21 Q. I mean, I am just spit balling this, but 22 typically one step equals about two to three feet, 23 is that correct, sir? 24 A. Yes.</p> <p style="text-align: right;">89</p>	<p>1 A. I did not, sir. 2 Q. Do you know -- strike that. 3 Do you agree that at one point right 4 before DeCynthia Clements opened up the car door 5 that you agreed that you were not going to end this 6 for her? 7 A. I don't understand the question, sir. 8 Q. Sure. Let me rephrase it. 9 Prior to the door opening, do you agree 10 that the plan was that if she has got a knife and 11 she comes out of the car that at that point we are 12 not going to end it for her? 13 A. Depending on the distance involved, of 14 course not, we wouldn't have shot her, or I 15 wouldn't have shot her. 16 Q. Did you ever place yourself in a distance 17 before you pointed your gun at her of greater than 18 five feet away? 19 A. Yes. 20 Q. How far were you? 21 A. From -- so is this -- so I am correct on 22 the answer, is this after the car was engulfed in 23 flames and we hopped over the median? 24 Q. Yes, sir.</p> <p style="text-align: right;">91</p>
<p>1 Q. So within three steps she closed the gap 2 six to nine feet on you, is that correct? 3 A. Yes. 4 Q. Do you agree that you told the Illinois 5 State Police that you were backed up against the 6 median wall and as a result you could not retreat 7 any further and had no choice but to use deadly 8 force? 9 A. Yes. 10 Q. Did you ever make any attempt to open the 11 door while DeCynthia Clements was in it before the 12 fire started? 13 A. I did not. 14 Q. Did your negotiator make an attempt to 15 open the door before the fire started? 16 A. No, sir. 17 Q. Did anybody ask DeCynthia Clements 18 permission to open the door at any time before the 19 fire started in an attempt to get her out to come 20 out of the car? 21 A. No, sir. 22 Q. Did you ask her permission if you could 23 open the door so that you could assist her out of 24 the car and preserve the sanctity of life?</p> <p style="text-align: right;">90</p>	<p>1 A. Okay. Yes, I was back at the -- at the 2 back of the squad car, but that was only for a few 3 seconds because of the fire was building so 4 quickly. She had not exited yet. So that's when 5 we determined we have to approach the vehicle. 6 There wasn't enough time to wait at that point in 7 my opinion with the amount of flames inside the 8 vehicle. 9 Q. When you saw her step out of the car, were 10 you able to retreat backwards and place more 11 distance between you and DeCynthia as she was 12 exiting the vehicle? 13 A. I was not, sir. 14 Q. Because you were cornered up against the 15 median, true? 16 A. And other officers. 17 Q. So you agree that at that moment in time 18 before DeCynthia Clements placed one foot on the 19 ground that you were incapable of moving to your 20 right or your left or backwards in order to retreat 21 away from her had she come out of the car with a 22 knife in her hand, true? 23 A. True. 24 Q. And because you only had your sidearm in</p> <p style="text-align: right;">92</p>



<p>1 your hand, your gun, you only were able to use that</p> <p>2 in order to stop what you perceived as a threat,</p> <p>3 true?</p> <p>4 A. True.</p> <p>5 Q. You shot and killed DeCynthia Clements</p> <p>6 because you had nowhere to go other than forward</p> <p>7 toward her, true?</p> <p>8 MR. DEANO: I object to the form of the</p> <p>9 question.</p> <p>10 You can answer, Chris.</p> <p>11 THE WITNESS: I had no other area to retreat to</p> <p>12 at that time.</p> <p>13 BY MR. ROMANUCCI:</p> <p>14 Q. You agree that you said that if she does</p> <p>15 end up brandishing the knife running at us, we will</p> <p>16 go with the 40, correct?</p> <p>17 A. Yes, but that was when we were in a</p> <p>18 tactical advantage position on the other side of</p> <p>19 the barricade.</p> <p>20 Q. Can you answer my question? Did you or</p> <p>21 did you not say that if she ends up brandishing a</p> <p>22 knife running at us, we will go with the 40, is</p> <p>23 that correct?</p> <p>24 A. Yes.</p> <p style="text-align: right;">93</p>	<p>1 your signature is affixed at the end of the page.</p> <p>2 There it is. Is that your signature?</p> <p>3 A. Yes.</p> <p>4 MS. RAVEENDRAN: So we are going to mark</p> <p>5 Jensen's -- the file labeled 125222.Jensen's</p> <p>6 Answers to Plaintiff's First Interrogatories as</p> <p>7 Exhibit 3, and Exhibit 4 will be the signature</p> <p>8 page.</p> <p>9 (Whereupon, Jensen Deposition</p> <p>10 Exhibit Nos. 3-4 were marked for</p> <p>11 identification as of were.)</p> <p>12 BY MR. ROMANUCCI:</p> <p>13 Q. Do you see the page where it talks about</p> <p>14 Christian Jensen's Answers to Interrogatories?</p> <p>15 You see that, right?</p> <p>16 A. Yes, sir.</p> <p>17 MR. ROMANUCCI: All right. Can you go to</p> <p>18 Page 6, please.</p> <p>19 BY MR. ROMANUCCI:</p> <p>20 Q. And, then, Question 11, do you see</p> <p>21 Question 11 there? Can you read that?</p> <p>22 A. Yes.</p> <p>23 Q. And that states that please state each and</p> <p>24 every option considered by Defendant Officer Jensen</p> <p style="text-align: right;">95</p>
<p>1 MR. DEANO: Object to the form of the question.</p> <p>2 It's vague. At what time?</p> <p>3 BY MR. ROMANUCCI:</p> <p>4 Q. Did you say that?</p> <p>5 A. I did when we were on the other side of</p> <p>6 the median, yes.</p> <p>7 Q. When you jumped over to the other side of</p> <p>8 the median, you left the 40 behind, did you not?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Did you also state that you don't know how</p> <p>11 well her direction following skills are going to</p> <p>12 be? Did you say that?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Meaning that you understand that somebody</p> <p>15 who is in distress whether as a result of emotional</p> <p>16 disturbance or mental illness or drug or alcohol</p> <p>17 use does not understand direction following well,</p> <p>18 is that correct?</p> <p>19 A. That is correct, sir.</p> <p>20 Q. Officer Jensen, do you recall completing a</p> <p>21 set of forms or a document known as your</p> <p>22 interrogatory answers?</p> <p>23 A. I do, sir.</p> <p>24 Q. And we can go to the end of the page, and</p> <p style="text-align: right;">94</p>	<p>1 on the scene other than their chosen actions in</p> <p>2 regard to DeCynthia Clements. Please describe each</p> <p>3 and every step taken to evaluate and consider each</p> <p>4 and every such option.</p> <p>5 Do you see that?</p> <p>6 A. Yes, I do.</p> <p>7 Q. All right. And, then, you start off your</p> <p>8 answer by, without waiving 5th amendment rights.</p> <p>9 Do you see that?</p> <p>10 A. I do, sir.</p> <p>11 Q. You're not exercising any of those rights</p> <p>12 today, are you?</p> <p>13 A. No, sir.</p> <p>14 Q. And, then, if you go to the second</p> <p>15 sentence, it states that it was known that she</p> <p>16 possessed a knife.</p> <p>17 Is that correct?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And the objective was to have her exit the</p> <p>20 vehicle on her own volition.</p> <p>21 Do you see that?</p> <p>22 A. I am reading it now, so...</p> <p>23 Q. Do you see that?</p> <p>24 A. I am just reading, sir. It's going to</p> <p style="text-align: right;">96</p>



<p>1 take me a second to check out the paragraph here.</p> <p>2 Q. You want to read the whole paragraph?</p> <p>3 A. Well, if you want to highlight it. If you</p> <p>4 already did, I apologize. I didn't see that part.</p> <p>5 Yes, I see it. Sorry about that.</p> <p>6 Q. What option did you exercise if she was</p> <p>7 going to come out of the vehicle with a knife in</p> <p>8 her hand? Where is that on here?</p> <p>9 A. I had officers on the other side of the</p> <p>10 barricade. We had the 40. We had the pepper ball.</p> <p>11 And if she would have exited at that time when we</p> <p>12 had the tactical advantage, we would have been able</p> <p>13 to utilize the impact weapon or the pepper ball gun</p> <p>14 or the taser even.</p> <p>15 Q. Did anyone discharge the pepper ball gun?</p> <p>16 A. No, sir.</p> <p>17 Q. Did anyone discharge the impact weapon?</p> <p>18 A. No, sir.</p> <p>19 Q. So my question is what option did you</p> <p>20 delineate or did you have planned if she exited the</p> <p>21 car with the knife when you were on the westbound</p> <p>22 side of the median?</p> <p>23 A. We had the taser at that point.</p> <p>24 Q. Is that it?</p> <p style="text-align: right;">97</p>	<p>1 Q. So where did you talk about this plan of</p> <p>2 retreating backwards and hopping over the median?</p> <p>3 A. I would have given the order.</p> <p>4 Q. So you didn't talk about it before, right?</p> <p>5 It wasn't a plan that was communicated. Do you</p> <p>6 agree with that?</p> <p>7 A. I had communicated that plan earlier</p> <p>8 before the car was engulfed in flames.</p> <p>9 Q. So, Officer Jensen, what's your plan? I</p> <p>10 want to know the detailed plan of her coming out of</p> <p>11 the car with knives in her hand out of a smoking</p> <p>12 car where she was going to jump out and you're on</p> <p>13 the westbound side of the median.</p> <p>14 A. If she did not charge at us and she stood</p> <p>15 there, we would have retreated. I would have given</p> <p>16 the order to retreat, to back up, and climb over</p> <p>17 the median.</p> <p>18 Q. And my question is, when did you</p> <p>19 communicate that plan and to whom?</p> <p>20 A. I did not communicate that plan because</p> <p>21 there was not time to communicate that plan.</p> <p>22 Q. That's exactly it. You had an hour and a</p> <p>23 half to think of all the scenarios, but you didn't</p> <p>24 think of the plan if she was going to come out,</p> <p style="text-align: right;">99</p>
<p>1 A. Yes, sir.</p> <p>2 Q. And your gun, right?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And the gun was discharged simultaneously</p> <p>5 with the taser, so the taser was rendered</p> <p>6 ineffective, true?</p> <p>7 A. Yes, sir.</p> <p>8 Q. So there was no real plan to preserve her</p> <p>9 life if she came out of the car when you were on</p> <p>10 the westbound side of the median, true?</p> <p>11 MR. DEANO: Object to the form of the question.</p> <p>12 Also misstates his earlier testimony.</p> <p>13 THE WITNESS: That is false, sir.</p> <p>14 BY MR. ROMANUCCI:</p> <p>15 Q. What was your plan? Give me the detailed</p> <p>16 plan with her coming out of the car with knives in</p> <p>17 her hand with you on the westbound side of the</p> <p>18 median.</p> <p>19 A. If she was not charging at us, we would</p> <p>20 have utilized the taser. If she exited the vehicle</p> <p>21 and stood there, we would just -- we would just</p> <p>22 start to back up to retreat, hopefully be able to</p> <p>23 hop over the median. But that did not work because</p> <p>24 she charged at us upon exiting out of the vehicle.</p> <p style="text-align: right;">98</p>	<p>1 knowing that she had knives in the car, is that</p> <p>2 correct?</p> <p>3 MR. DEANO: Objection, argumentative.</p> <p>4 Go ahead and answer again, Chris.</p> <p>5 THE WITNESS: That's incorrect, sir.</p> <p>6 Throughout the evolution of this call, there were</p> <p>7 several times I gave orders and instructions to</p> <p>8 stay on the other side of the median and if she had</p> <p>9 exited with the knives how we would handle that.</p> <p>10 BY MR. ROMANUCCI:</p> <p>11 Q. So what was your expectation of how she</p> <p>12 was going to hold these knives when she jumped out</p> <p>13 of the vehicle?</p> <p>14 Did you expect her to have the knives</p> <p>15 behind her back, so that you couldn't see them?</p> <p>16 A. I was hoping that she did not exit with</p> <p>17 the knives in her hand. That she would exit</p> <p>18 without the knives, exited unarmed.</p> <p>19 Q. Now, you state that Hartman and Garcia</p> <p>20 stood by as cover. Were they on the eastbound or</p> <p>21 westbound side?</p> <p>22 A. Garcia was on the -- she was on the</p> <p>23 westbound -- no, she was on the eastbound side.</p> <p>24 Hartman was on the westbound side. But I do not</p> <p style="text-align: right;">100</p>



<p>1 recall exactly where they were at that time.</p> <p>2 Q. Were there any other sidearms or hand guns</p> <p>3 or long guns pointed at DeCynthia Clements when she</p> <p>4 exited the vehicle besides your gun?</p> <p>5 A. Not to my knowledge, sir.</p> <p>6 Q. Did you have any snipers on the ground and</p> <p>7 at the scene?</p> <p>8 A. No, sir.</p> <p>9 Q. Do you see in the middle toward the</p> <p>10 bottom, do you see where it says the sentence that</p> <p>11 starts with, The attempt to remove?</p> <p>12 A. Yes.</p> <p>13 Q. We just highlighted for you. Do you see</p> <p>14 that?</p> <p>15 A. I see that, sir.</p> <p>16 Q. In looking at the video that we showed you</p> <p>17 earlier, did you ever make any attempt before she</p> <p>18 stepped out of the car to move any closer than five</p> <p>19 feet?</p> <p>20 A. On the initial approach of the vehicle</p> <p>21 before the door was open, I am not sure exactly how</p> <p>22 close we got, but I believe I got to the -- about</p> <p>23 the beginning of the passenger -- the rear</p> <p>24 passenger door on the driver's side.</p> <p style="text-align: right;">101</p>	<p>1 contending. I believe it was a broken garage door</p> <p>2 from the breach and that their house was left in</p> <p>3 disarray after the search warrant.</p> <p>4 Q. Do you know how many times you have used</p> <p>5 force while you have been on the Elgin Police</p> <p>6 Department?</p> <p>7 A. I do not have an exact number, sir.</p> <p>8 Q. Was it more than five?</p> <p>9 A. Yes.</p> <p>10 Q. More than ten?</p> <p>11 A. Yes.</p> <p>12 Q. More than 20?</p> <p>13 A. Yes, but depending on force, I mean, there</p> <p>14 is force by grab a person's arm to hold them to</p> <p>15 handcuff them. It depends on the force that we are</p> <p>16 talking about.</p> <p>17 Q. Well, we are just talking about force</p> <p>18 right now. Do you know -- if I told you that you</p> <p>19 had used force 29 times while you were on the Elgin</p> <p>20 Police Department, does that sound right to you?</p> <p>21 A. Yes, that could be accurate.</p> <p>22 Q. So that's about at least once a year for</p> <p>23 every year of service that you have, correct?</p> <p>24 A. Yes.</p> <p style="text-align: right;">103</p>
<p>1 Q. I am talking about after the door was</p> <p>2 open, did you make it any closer than five feet to</p> <p>3 make an attempt to remove her from the car and</p> <p>4 extract her?</p> <p>5 A. I did a technique called slicing of the</p> <p>6 pie to get a better view into the vehicle. And I</p> <p>7 can expound on that if you would like.</p> <p>8 Q. Okay. Can you just answer my question</p> <p>9 first and, then, you can tell me about slicing the</p> <p>10 pie.</p> <p>11 After the door was open, did you make it</p> <p>12 any closer than five feet before she stepped out of</p> <p>13 the car?</p> <p>14 A. I do not recall if it was five feet,</p> <p>15 six feet, seven feet. I don't know.</p> <p>16 Q. So Question No. 15 discusses whether or</p> <p>17 not you have been sued in the past. And it's been</p> <p>18 disclosed that you were sued five times and that</p> <p>19 one of them settled.</p> <p>20 Bosque versus Elgin, what was that case</p> <p>21 about?</p> <p>22 A. In that case there was a search warrant.</p> <p>23 Q. And?</p> <p>24 A. And I am not sure exactly what they were</p> <p style="text-align: right;">102</p>	<p>1 Q. And that would involve physical force,</p> <p>2 taser force, impact force or sidearm deadly force,</p> <p>3 correct?</p> <p>4 A. Yes. It could also be --</p> <p>5 MR. DEANO: Objection.</p> <p>6 THE WITNESS: I'm sorry, Jim.</p> <p>7 MR. DEANO: Go ahead and answer. I'll explain.</p> <p>8 THE WITNESS: It could also be OC spray, it</p> <p>9 could be empty hand control, it could be hard empty</p> <p>10 hand control, it could be pointing a weapon, but</p> <p>11 not discharging of the weapon. There is many</p> <p>12 things it could be.</p> <p>13 BY MR. ROMANUCCI:</p> <p>14 Q. Do you remember an incident with</p> <p>15 Mandy Seitz?</p> <p>16 A. No, I do not.</p> <p>17 Q. Do you remember this incident from</p> <p>18 March 18, 2011, where you responded to a suicidal</p> <p>19 call of a female white 51 years old at 90 Poplar</p> <p>20 Creek Drive?</p> <p>21 A. I do. I believe -- yes, if you can</p> <p>22 expound on it, it will start to jog my memory.</p> <p>23 Q. We are pulling it up right now.</p> <p>24 MS. RAVEENDRAN: Can we mark as Exhibit 5 the</p> <p style="text-align: right;">104</p>



<p>1 Use of Force Incident Spreadsheet. We are looking</p> <p>2 at Page 5.</p> <p>3 (Whereupon, Jensen Deposition</p> <p>4 Exhibit No. 5 was marked for</p> <p>5 identification as of were.)</p> <p>6 BY MR. ROMANUCCI:</p> <p>7 Q. You want to take a look at that and see if</p> <p>8 that refreshes your memory?</p> <p>9 A. Yes, it does, sir.</p> <p>10 Q. Do you recall being on scene that night?</p> <p>11 A. I do, sir.</p> <p>12 Q. And you recall that this was a woman who</p> <p>13 had barricaded herself in the northeast corner</p> <p>14 behind a couch in her basement?</p> <p>15 A. Yes, sir.</p> <p>16 Q. And that she had potentially taken a drug</p> <p>17 overdose and was suicidal and needed help?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Similar circumstances to</p> <p>20 DeCynthia Clements, right?</p> <p>21 A. Completely different.</p> <p>22 Q. Was DeCynthia suicidal?</p> <p>23 A. I don't know if she was, because we never</p> <p>24 spoke with her.</p> <p style="text-align: right;">105</p>	<p>1 DeCynthia's drugs were, if any?</p> <p>2 A. I do not.</p> <p>3 Q. Do you know the effect of Mandy's drugs,</p> <p>4 if any?</p> <p>5 A. No, sir.</p> <p>6 Q. Mandy had steak knives with her, didn't</p> <p>7 she?</p> <p>8 A. Yes.</p> <p>9 Q. So did DeCynthia, right?</p> <p>10 A. Yes.</p> <p>11 Q. So far we are even-steven, right? Same</p> <p>12 circumstances, right, so far? Right?</p> <p>13 A. Not really, sir. No.</p> <p>14 Q. Okay. Do you agree that Mandy was defined</p> <p>15 as either mentally ill or emotionally disturbed</p> <p>16 because of her drug overdose?</p> <p>17 A. Yes.</p> <p>18 Q. Do you agree that DeCynthia was defined as</p> <p>19 emotionally disturbed or mentally ill as a result</p> <p>20 of her potential drug or alcohol overdose?</p> <p>21 A. Yes.</p> <p>22 Q. Do you agree that Mandy was not responding</p> <p>23 to Officer Jensen's commands?</p> <p>24 A. Yes.</p> <p style="text-align: right;">107</p>
<p>1 Q. Was she potentially suicidal?</p> <p>2 A. Potentially I would agree with.</p> <p>3 Q. Was Mandy suicidal?</p> <p>4 A. Yes.</p> <p>5 Q. Was DeCynthia, possibly, you said she</p> <p>6 could have taken a drug overdose, right?</p> <p>7 A. Yes.</p> <p>8 Q. And Mandy had taken a drug overdose, too,</p> <p>9 right?</p> <p>10 A. I don't recall what she took a drug</p> <p>11 overdose of. I am kind of unclear on that. I'd</p> <p>12 have to read this to jog my memory here.</p> <p>13 Q. Well, the report indicates that she took</p> <p>14 an overdose of Clonazepam, Ciprofloxacin (phonetic)</p> <p>15 and Trazodone.</p> <p>16 A. Okay.</p> <p>17 Q. Do you know what those are?</p> <p>18 A. I do not, sir.</p> <p>19 Q. Does it matter?</p> <p>20 A. I don't know if it matters. I don't know.</p> <p>21 I don't know what those drugs are. I don't know</p> <p>22 what they do. I don't know the effect of the</p> <p>23 drugs, but...</p> <p>24 Q. Well, do you know what the effect of</p> <p style="text-align: right;">106</p>	<p>1 Q. DeCynthia was not responding to your</p> <p>2 commands?</p> <p>3 A. Yes.</p> <p>4 Q. Mandy said that she would stab herself</p> <p>5 with the knife if you approached her.</p> <p>6 Do you remember that?</p> <p>7 A. Yes.</p> <p>8 Q. DeCynthia actually did hold a knife up to</p> <p>9 her throat attempting to stab herself, right?</p> <p>10 A. Yes.</p> <p>11 Q. Do you remember whether or not a taser was</p> <p>12 used on Mandy?</p> <p>13 A. Two tasers were used, I believe.</p> <p>14 Q. Was there any -- was there anyone</p> <p>15 positioned on the east side of the median with a</p> <p>16 taser trained at DeCynthia Clements' door so that</p> <p>17 when it would open, someone would have a shot at</p> <p>18 her?</p> <p>19 A. No.</p> <p>20 Q. Was there anything that prevented you from</p> <p>21 putting somebody on the east side of the median</p> <p>22 with the taser trained on her door so that if it</p> <p>23 opened it could be deployed on her?</p> <p>24 A. Yes, that would have actually been a</p> <p style="text-align: right;">108</p>



<p>1 tactical error as far as the taser and not a wise 2 deployment.</p> <p>3 Q. What about using an impact weapon on the 4 other side of the median?</p> <p>5 A. Again, that would not have been a smart 6 idea.</p> <p>7 Q. Well, it being smart and it being 8 available as an option are two different things, 9 right?</p> <p>10 A. Yes, but I would not use poor tactics and 11 a poor decision to validate the use of a tool.</p> <p>12 Q. Do you agree that Mandy began to walk 13 toward you with the knives in her hand?</p> <p>14 A. Yes.</p> <p>15 Q. So did DeCynthia, right?</p> <p>16 A. No.</p> <p>17 Q. Oh, DeCynthia didn't come at you with a 18 knife now?</p> <p>19 A. Mandy was walking slowly, and DeCynthia 20 was charging out with the knives pointed at us. 21 Mandy had the knife pointed at her stomach.</p> <p>22 Q. The knives were a deadly weapon whether 23 they were in the hands of Mandy or in the hands of 24 DeCynthia, right?</p> <p style="text-align: right;">109</p>	<p>1 identification as of 11/24/20.)</p> <p>2 THE VIDEOGRAPHER: Okay. We are back on the 3 record. The time is 2:03 p.m.</p> <p>4 BY MR. ROMANUCCI:</p> <p>5 Q. So, Officer Jensen, I am showing you 6 what's marked as Defense Exhibit No. 6. Do you 7 recall being trained on this presentation on police 8 use of force?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Do you remember the last time that you 11 would have been trained on this?</p> <p>12 A. I do not, sir. I don't recall when this 13 PowerPoint was issued.</p> <p>14 Q. Do you recall seeing it, though?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Let me go to Page 5. Sir, do you see the 17 slide that we put up, Officer Jensen, what is 18 controlling the decisions of an officer when it 19 comes to use of force?</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. There are a number a bullet points there; 23 state law, Illinois compiled statutes?</p> <p>24 A. Yes.</p> <p style="text-align: right;">111</p>
<p>1 A. Absolutely.</p> <p>2 Q. Did you have your sidearm drawn when Mandy 3 was walking towards you with the knives?</p> <p>4 A. I did.</p> <p>5 Q. You did?</p> <p>6 A. Yes.</p> <p>7 Q. You did not discharge your sidearm, did 8 you?</p> <p>9 A. I did not.</p> <p>10 Q. Were you also the cover officer for Mandy?</p> <p>11 A. I was.</p> <p>12 Q. You let the tasers discharge before you 13 were able to use your sidearm with Mandy, correct?</p> <p>14 A. Yes, sir.</p> <p>15 MR. ROMANUCCI: Let's take a ten-minute break, 16 reconvene at 2 o'clock. Is that good with 17 everyone?</p> <p>18 THE WITNESS: That's good, sir.</p> <p>19 MR. DEANO: That's fine.</p> <p>20 THE VIDEOGRAPHER: Off the record at 1:49 p.m. 21 (Whereupon, there 22 was a short break.) 23 (Whereupon, Jensen Deposition 24 Exhibit No. 6 was marked for</p> <p style="text-align: right;">110</p>	<p>1 Q. You see that, right?</p> <p>2 A. Yes.</p> <p>3 Q. And Tennessee versus Garner, do you know 4 what that is?</p> <p>5 A. Yes, sir.</p> <p>6 Q. What is it?</p> <p>7 A. That's the case law outlining the use of 8 force. That the force has to be -- the force has 9 to be equal to what the crime is and basically, 10 like, in a nutshell.</p> <p>11 Q. And, then, you see Elgin Police Department 12 SOP, is that correct?</p> <p>13 A. Yes, sir.</p> <p>14 Q. The SOPs are what govern your 15 decisionmaking, not only with use of force, but how 16 you conduct yourself as an Elgin Police Officer, 17 true?</p> <p>18 A. That is true.</p> <p>19 Q. And, then, the use of force continuum, you 20 know what that is, correct?</p> <p>21 A. Yes, I do, sir.</p> <p>22 Q. And, then, force options available. We 23 talked about that, and we may talk about that 24 again. And, then, your, experience.</p> <p style="text-align: right;">112</p>



<p>1 Do you see that?</p> <p>2 A. Yes, sir, I do.</p> <p>3 Q. And, then, you see at the bottom it says</p> <p>4 discretion, right?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And, then, we talked about what force</p> <p>7 options are available to our officers. And here</p> <p>8 again it refers to Elgin Police Officers, and we</p> <p>9 see that they list six of them, is that correct?</p> <p>10 A. Yes.</p> <p>11 Q. And do you agree that all of those were</p> <p>12 available either to you personally or on scene the</p> <p>13 night of March 12, 2018?</p> <p>14 A. The only one I am unsure of is the baton</p> <p>15 or the ASP. I don't know which officers carry</p> <p>16 those on their person, sir. All the other ones,</p> <p>17 absolutely.</p> <p>18 Q. And there you see the conducted electrical</p> <p>19 weapon, which is known as the taser. Talks about</p> <p>20 what a taser does. And, then, it talks about its</p> <p>21 cartridge range and operational range.</p> <p>22 Do you see that?</p> <p>23 A. I do, sir.</p> <p>24 Q. Do you agree that you were or that</p> <p style="text-align: right;">113</p>	<p>1 that correct?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Do you recall this scenario that they gave</p> <p>4 you in the PowerPoint presentation?</p> <p>5 A. I was out there on this call actually.</p> <p>6 Yes, sir.</p> <p>7 Q. Oh, so you know this. You might be in the</p> <p>8 picture possibly?</p> <p>9 A. I probably am.</p> <p>10 Q. All right. So you remember this incident,</p> <p>11 then, not only by PowerPoint, but personally, is</p> <p>12 that correct?</p> <p>13 A. Yes.</p> <p>14 Q. So if I tell you that there were reports</p> <p>15 of subject with a gun, you would agree with that?</p> <p>16 A. Yes.</p> <p>17 Q. That it was a rapidly changing</p> <p>18 circumstance, right?</p> <p>19 A. Yes.</p> <p>20 Q. That the subject eventually took a hostage</p> <p>21 while he was with a gun, is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. And that this was confirmed when the</p> <p>24 officers were on scene, is that right?</p> <p style="text-align: right;">115</p>
<p>1 Officer Hall was within operational range of the</p> <p>2 taser that night?</p> <p>3 A. Yes, sir.</p> <p>4 Q. When he deployed it, correct?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And you see at the bottom where it says</p> <p>7 it's highly effective, correct?</p> <p>8 A. I do.</p> <p>9 Q. And, then, why don't we move ahead to the</p> <p>10 slide that talks about less lethal impact munitions</p> <p>11 right there. And, then, we talked about those</p> <p>12 earlier. And it talks about the middle section</p> <p>13 there, employed against violently resisting and</p> <p>14 aggressive individuals.</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. And that is for the defense of officers</p> <p>18 and others, correct?</p> <p>19 A. Yes, sir.</p> <p>20 Q. And it's employed against suspects with</p> <p>21 deadly weapons.</p> <p>22 You see that?</p> <p>23 A. Yes.</p> <p>24 Q. And you have been trained on all this, is</p> <p style="text-align: right;">114</p>	<p>1 A. Yes.</p> <p>2 Q. And that a SWAT team was called in, is</p> <p>3 that correct?</p> <p>4 A. Yes.</p> <p>5 Q. And they subdued the subject with the</p> <p>6 40-millimeter less lethal impact munition, is that</p> <p>7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. Did you fire that weapon or was it someone</p> <p>10 else?</p> <p>11 A. I did not. That was another officer.</p> <p>12 Q. So this was another successful resolution</p> <p>13 of somebody who was holding a deadly weapon in</p> <p>14 their hand, but with the additional exigent</p> <p>15 circumstance of a hostage, is that correct?</p> <p>16 A. That's incorrect. It wasn't a deadly</p> <p>17 weapon. It ended up being a starter pistol. It</p> <p>18 was not a real firearm.</p> <p>19 Q. And to a police officer does it matter if</p> <p>20 someone is brandishing a starter pistol or a real</p> <p>21 gun when it comes to the return of force?</p> <p>22 A. Depending on the situation.</p> <p>23 Q. Wow! You're the first one who has ever</p> <p>24 said that. That's interesting.</p> <p style="text-align: right;">116</p>



<p>1 A. Well, sir, if you know it's a starter 2 pistol, and you know it doesn't have the ability to 3 harm an individual, then you would not use lethal 4 force.</p> <p>5 Q. Interesting. 6 was this subject white or black or brown?</p> <p>7 A. I believe he was white, sir.</p> <p>8 Q. All right. Done with that done. 9 Can you answer for me whether 10 DeCynthia Clements was under arrest that 11 night at any point before she opened up her 12 door?</p> <p>13 A. Yes, she would have been placed under 14 arrest for her actions of fleeing and alluding.</p> <p>15 Q. No. That's not my question. 16 was she placed under arrest before she 17 opened up her door?</p> <p>18 A. No, sir.</p> <p>19 Q. Was she told that she was under arrest 20 before she opened up the door?</p> <p>21 A. I believe they early on on the PA they 22 advised her that she was under arrest, yes.</p> <p>23 Q. Was she told that she could not leave the 24 scene?</p> <p style="text-align: right;">117</p>	<p>1 Q. And would you agree that this would 2 have been the SOP that would have applied to 3 DeCynthia Clements in March of 2018 based upon 4 mental illness?</p> <p>5 A. Yes, sir.</p> <p>6 Q. So the definitions that are on Page 1, if 7 one of those definitions applies, they would have 8 applied to DeCynthia -- strike that. That was a 9 bad question.</p> <p>10 The definitions that are contained on that 11 page, if they are applicable to her, would define 12 her on that night, is that correct?</p> <p>13 A. I am not sure if there is more of the 14 definitions on the other page, but --</p> <p>15 Q. Go to Page 2.</p> <p>16 A. Mental illness, mental impairment, yes.</p> <p>17 Q. Let's go back to Page 1. Can you read out 18 loud the purpose of the standard operating 19 procedure?</p> <p>20 A. It is to give you guidance on dealing with 21 individuals with mental health issues.</p> <p>22 Q. No, no. Can you read the purpose?</p> <p>23 A. Oh, I'm sorry. The purpose of this policy 24 is to establish guidelines for employees on the</p> <p style="text-align: right;">119</p>
<p>1 A. I don't recall that, sir. 2 (Whereupon, Jensen Deposition 3 Exhibit No. 7 was marked for 4 identification as of 11/24/20.)</p> <p>5 BY MR. ROMANUCCI: 6 Q. So we are putting up Exhibit No. 7 now. 7 Can you see it?</p> <p>8 A. Yes, sir.</p> <p>9 Q. All right. I just want you to identify 10 that this is the standard operating procedure for 11 the response to resistance dated 12/29/16 and that 12 this would have been the SOP in effect in March of 13 2018.</p> <p>14 A. Yes, sir. 15 (Whereupon, Jensen Deposition 16 Exhibit No. 8 was marked for 17 identification as of 11/24/20.)</p> <p>18 BY MR. ROMANUCCI: 19 Q. So Exhibit 8 is responding to persons with 20 mental illness effective 5/27/15. If you can 21 identify this as being the SOP that was effective 22 in March of 2018, please.</p> <p>23 A. Yes. Yes, that was in effect at that 24 time.</p> <p style="text-align: right;">118</p>	<p>1 recognition and handling of persons who are 2 suspected to be mentally ill and/or in need of 3 mental health treatment and to provide procedures 4 to be used when coming into contact with such 5 individuals.</p> <p>6 Q. So I think the operative language there, 7 Persons who are suspected to be mentally ill or in 8 need of mental health treatment. 9 Meaning that you don't need a diagnosis 10 for this operating procedure to be effective, is 11 that correct?</p> <p>12 A. I would agree, sir.</p> <p>13 Q. Are you familiar with the Americans with 14 Disabilities Act?</p> <p>15 A. I am, sir.</p> <p>16 Q. Do you know what accommodations were made 17 for DeCynthia Clements on the night of March 12, 18 2018, to accommodate for her disability or 19 impairment?</p> <p>20 A. I don't know what accommodations we could 21 have made for her impairment or disability besides 22 having trained CIT officers there and the 23 negotiators or and a negotiator.</p> <p>24 Q. Let me go to Page 2, please, toward the</p> <p style="text-align: right;">120</p>



<p>1 bottom.</p> <p>2 Do you see Section 42.5.1, recognition of</p> <p>3 persons suspected to be suffering from mental</p> <p>4 illness?</p> <p>5 A. I do, sir.</p> <p>6 Q. And, once again, we don't need a diagnosis</p> <p>7 of mental illness. It's just if you're suspected</p> <p>8 of suffering from one, is that correct?</p> <p>9 A. Yes, sir.</p> <p>10 Q. And do you see where it says, Mental</p> <p>11 illness is quite often difficult to define in a</p> <p>12 given individual?</p> <p>13 Do you see that?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And it's told to officers that they should</p> <p>16 be recognizing behavior that is potentially</p> <p>17 destructive and/or dangerous to self or others.</p> <p>18 Do you see that?</p> <p>19 A. Yes, sir.</p> <p>20 Q. So far that defines DeCynthia Clements,</p> <p>21 right?</p> <p>22 A. Yes.</p> <p>23 Q. And that you should not rule out potential</p> <p>24 causes of this mental illness, such as reactions to</p> <p style="text-align: right;">121</p>	<p>1 Do you agree that she was rigid and</p> <p>2 inflexible in her decision making?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Turn to Page 7. Right there, B.</p> <p>5 You see where it talks about the following</p> <p>6 steps shall be taken?</p> <p>7 What does it mean when you hear the</p> <p>8 command shall?</p> <p>9 Is that discretionary?</p> <p>10 A. That's an order.</p> <p>11 Q. So you take that to be an order, correct?</p> <p>12 A. Yes.</p> <p>13 Q. So the following steps shall be taken when</p> <p>14 encountering a person suspected of excited delirium</p> <p>15 or a serious mental episode. When safe and</p> <p>16 practical, request an ambulance.</p> <p>17 Correct?</p> <p>18 A. Yes.</p> <p>19 Q. You did not request an ambulance prior to</p> <p>20 her being shot, is that correct?</p> <p>21 A. I did not.</p> <p>22 Q. Did anybody else on scene request one</p> <p>23 before she was shot?</p> <p>24 A. It was the Illinois State Police had</p> <p style="text-align: right;">123</p>
<p>1 narcotics or alcohol or temporary emotional</p> <p>2 disturbances that are situationally motivated.</p> <p>3 Do you see that?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And do you agree that applies to</p> <p>6 DeCynthia Clements, is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. And, then, it tells you that employees,</p> <p>9 meaning you, Elgin Police Officers, should be</p> <p>10 looking at the reactions of that mentally ill</p> <p>11 person.</p> <p>12 Do you see it?</p> <p>13 A. Yes.</p> <p>14 Q. Do you agree that DeCynthia showed fear</p> <p>15 that night?</p> <p>16 A. No.</p> <p>17 Q. She showed no fear?</p> <p>18 A. No.</p> <p>19 Q. Do you believe that she was inappropriate</p> <p>20 in her behavior?</p> <p>21 A. Yes.</p> <p>22 Q. It talks about extreme rigidity or</p> <p>23 inflexibility, and that doesn't pertain to</p> <p>24 physical, but to mental.</p> <p style="text-align: right;">122</p>	<p>1 requested one to stand by.</p> <p>2 Q. But it wasn't on scene?</p> <p>3 A. Define on scene. Ambulances will not</p> <p>4 stage on scene. They will stage in a safe area.</p> <p>5 And that safe area could be up to a half mile to,</p> <p>6 like, a mile away.</p> <p>7 Q. Where was this ambulance staged?</p> <p>8 A. I don't recall. The Illinois State Police</p> <p>9 was handling that.</p> <p>10 (Whereupon, Jensen Deposition</p> <p>11 Exhibit No. 9 was marked for</p> <p>12 identification as of 11/24/20.)</p> <p>13 BY MR. ROMANUCCI:</p> <p>14 Q. Showing you what's marked as Deposition</p> <p>15 Exhibit No. 9, Officer Jensen. This picture was</p> <p>16 taken in the daylight.</p> <p>17 This incident occurred when it was night,</p> <p>18 correct?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Do you agree that this photograph depicts</p> <p>21 the car as it was when DeCynthia Clements exited</p> <p>22 the vehicle as she was shot?</p> <p>23 A. Yes, sir.</p> <p>24 Q. And we are looking at an orientation where</p> <p style="text-align: right;">124</p>



<p>1 we are looking westbound, is that correct?</p> <p>2 A. That is correct, sir.</p> <p>3 Q. There is a tripod set up to the right of</p> <p>4 the vehicle. And, again, we are looking at that</p> <p>5 tripod, we are standing on the east, and we are</p> <p>6 looking west, correct?</p> <p>7 A. That is correct, sir.</p> <p>8 MR. DEANO: I'm sorry. Is that Exhibit 9 or 8?</p> <p>9 MR. ROMANUCCI: We have it as nine.</p> <p>10 MR. DEANO: Okay. Thank you.</p> <p>11 MS. RAVEENDRAN: And, Jim, after this is done,</p> <p>12 I will send you and the court reporter a list with</p> <p>13 everything attached exactly as it was shown.</p> <p>14 MR. DEANO: Okay. Thanks, Bhavani.</p> <p>15 MS. RAVEENDRAN: No problem.</p> <p>16 BY MR. ROMANUCCI:</p> <p>17 Q. And looking at this photograph, although</p> <p>18 there are no other vehicles depicted in it, can you</p> <p>19 tell us where your vehicle was when it was pinned</p> <p>20 up against DeCynthia's vehicle?</p> <p>21 A. It would have been in the front, sir.</p> <p>22 Q. And would that have been facing eastbound?</p> <p>23 A. Yes, sir.</p> <p>24 Q. And was there any vehicle that was pinned</p> <p style="text-align: right;">125</p>	<p>1 Q. That's a concrete median, true?</p> <p>2 A. True.</p> <p>3 Q. Approximately how high is it?</p> <p>4 A. I would say about four feet.</p> <p>5 Q. And you would have been at some point on</p> <p>6 the other side of the median in the eastbound</p> <p>7 traffic lane, is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. And that would have been immediately</p> <p>10 before the car -- well, that would have been after</p> <p>11 the car -- you saw flames in the car and before she</p> <p>12 was shot?</p> <p>13 A. Yes.</p> <p>14 (Whereupon, Jensen Deposition</p> <p>15 Exhibit No. 11 was marked for</p> <p>16 identification as of 11/24/20.)</p> <p>17 BY MR. ROMANUCCI:</p> <p>18 Q. Exhibit No. 11 is coming up next.</p> <p>19 You see this to be the standard operating</p> <p>20 procedure of the Elgin Police Department dated</p> <p>21 1/12/16 with regard to Special Weapons and Tactics</p> <p>22 Team, also known as SWAT, is that correct?</p> <p>23 A. Yes, sir.</p> <p>24 Q. And is this the one that would have been</p> <p style="text-align: right;">127</p>
<p>1 from behind east to west?</p> <p>2 A. Yes. That would have been</p> <p>3 Sergeant Hartman's.</p> <p>4 MS. RAVEENDRAN: This will be Exhibit 10.</p> <p>5 (Whereupon, Jensen Deposition</p> <p>6 Exhibit No. 10 was marked for</p> <p>7 identification as of 11/24/20.)</p> <p>8 BY MR. ROMANUCCI:</p> <p>9 Q. And, again, I am showing you a photograph</p> <p>10 marked as Exhibit No. 10.</p> <p>11 would this be the condition of DeCynthia's</p> <p>12 vehicle as it was after she exited the car and</p> <p>13 clearly had burned?</p> <p>14 A. Yes.</p> <p>15 Q. And this photograph is looking from west</p> <p>16 to east, is that correct?</p> <p>17 A. Yes, sir. Yes.</p> <p>18 Q. So that the police vehicles behind</p> <p>19 DeCynthia's are to the east of this vehicle, true?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And, then, to the -- let's see.</p> <p>22 To the south of the vehicle is the median,</p> <p>23 is that correct?</p> <p>24 A. Yes.</p> <p style="text-align: right;">126</p>	<p>1 in effect in March of 2018?</p> <p>2 A. Yes, sir.</p> <p>3 Q. And the purpose of this policy is to</p> <p>4 establish procedures for SWAT, is that correct?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And this is the policy that is tasked with</p> <p>7 resolving critical incidents that exceed the</p> <p>8 capabilities of first responders and/or</p> <p>9 investigative units, is that correct?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Do you see the definition of barricaded</p> <p>12 subject?</p> <p>13 A. Yes.</p> <p>14 Q. Can you read that out loud?</p> <p>15 A. A barricaded subject. A person who is</p> <p>16 known or believed to be armed and uses any shelter,</p> <p>17 conveyance, structure or building as a barrier</p> <p>18 against law enforcement and refuses to exit and</p> <p>19 submit to custody or arrest.</p> <p>20 Q. Is DeCynthia Clements defined as a</p> <p>21 barricaded subject pursuant to this definition?</p> <p>22 A. Yes.</p> <p>23 Q. Do you agree that SWAT could or might have</p> <p>24 been called to this scene to extricate a barricaded</p> <p style="text-align: right;">128</p>



<p>1 subject?</p> <p>2 A. Yes.</p> <p>3 Q. Do you agree that SWAT was not called?</p> <p>4 A. SWAT was called. Sergeant Lalley was</p> <p>5 actually responding to the scene to assess before</p> <p>6 the SWAT team was called out. So, yes, SWAT -- the</p> <p>7 SWAT commander was responding.</p> <p>8 Q. Let's make that a little clearer. There</p> <p>9 were no SWAT officers on scene when she was shot?</p> <p>10 A. There was SWAT officers on scene.</p> <p>11 Q. You?</p> <p>12 A. Myself, Officer Joniak was on SWAT, and</p> <p>13 officer Duffy had just arrived on scene --</p> <p>14 Q. You did not respond as a SWAT unit,</p> <p>15 though, correct?</p> <p>16 A. No, sir.</p> <p>17 Q. You responded as a lieutenant and officer</p> <p>18 in charge, correct?</p> <p>19 A. That is correct.</p> <p>20 Q. You did not mobilize a SWAT team that</p> <p>21 night, is that correct, on scene?</p> <p>22 A. That is correct.</p> <p>23 Q. SWAT did not complete an operations plan,</p> <p>24 correct?</p> <p style="text-align: right;">129</p>	<p>1 scene that night?</p> <p>2 A. Sergeant Hartman.</p> <p>3 Q. And, then, you see the definition of</p> <p>4 barricaded subject the same as the SWAT definition,</p> <p>5 correct?</p> <p>6 A. Yes, sir.</p> <p>7 (Whereupon, Jensen Deposition</p> <p>8 Exhibit No. 13 was marked for</p> <p>9 identification as of 11/24/20.)</p> <p>10 BY MR. ROMANUCCI:</p> <p>11 Q. Are you familiar with this PowerPoint</p> <p>12 training module?</p> <p>13 A. Yes.</p> <p>14 Q. Can you define for me what de-escalation</p> <p>15 means in your own words?</p> <p>16 A. De-escalation is to resolve a situation by</p> <p>17 using techniques to calm the situation down, to</p> <p>18 take your time and use all available tools and</p> <p>19 tactics at your disposal for peaceful resolution.</p> <p>20 Q. Do you agree that it also is used to teach</p> <p>21 officers how to address the needs of a person in a</p> <p>22 time of crisis?</p> <p>23 A. Yes, sir.</p> <p>24 Q. And DeCynthia was in crisis that night on</p> <p style="text-align: right;">131</p>
<p>1 A. Yes, sir.</p> <p>2 Q. They did or not?</p> <p>3 A. They did not.</p> <p>4 Q. Okay.</p> <p>5 (Whereupon, Jensen Deposition</p> <p>6 Exhibit No. 12 was marked for</p> <p>7 identification as of 11/24/20.)</p> <p>8 BY MR. ROMANUCCI:</p> <p>9 Q. Exhibit No. 12 is the tactical</p> <p>10 negotiations team standard operating procedure</p> <p>11 effective January 12, 2016.</p> <p>12 This would have been the one in effect in</p> <p>13 March of 2018, correct?</p> <p>14 A. Yes.</p> <p>15 Q. You're familiar with this document?</p> <p>16 A. I am, sir.</p> <p>17 Q. And can you read what this policy is?</p> <p>18 A. It is the policy of the Elgin Police</p> <p>19 Department to provide a group of specifically</p> <p>20 trained officers to respond to and effectively deal</p> <p>21 with situations such as hostage takers, hostages</p> <p>22 and/or barricaded subjects. The team aims for a</p> <p>23 peaceful resolution to each crisis situation.</p> <p>24 Q. And who was the tactical negotiator on</p> <p style="text-align: right;">130</p>	<p>1 March 12, 2018, true?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Remember we talked about repetitive</p> <p>4 commands earlier?</p> <p>5 A. Yes, we did.</p> <p>6 Q. So hands, hands, show hands, show hands,</p> <p>7 hands, hands, hands, that's a repetitive command,</p> <p>8 isn't it?</p> <p>9 A. Yes, it is.</p> <p>10 Q. What does the cartoon in the top left</p> <p>11 corner talk about with respect to repetitive</p> <p>12 commands?</p> <p>13 A. Repetitive commands getting locked into a</p> <p>14 rigid response.</p> <p>15 Q. Meaning that you get no response, is that</p> <p>16 correct?</p> <p>17 A. Yes, that can happen.</p> <p>18 Q. Meaning that a person in crisis who is</p> <p>19 given repetitive commands will give you a</p> <p>20 non-response, is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. Yes. A rigid response means no response,</p> <p>23 true?</p> <p>24 A. Yes.</p> <p style="text-align: right;">132</p>



<p>1 Q. And that repetitive commands can actually</p> <p>2 serve to escalate a crisis, correct?</p> <p>3 A. They can.</p> <p>4 Q. And that you would agree that this</p> <p>5 situation that DeCynthia was in was a high stress</p> <p>6 situation?</p> <p>7 A. Yes.</p> <p>8 Q. Inside a burning vehicle?</p> <p>9 A. Yes.</p> <p>10 Q. And that repetitive commands can actually</p> <p>11 boomerang and do the opposite of what you want it</p> <p>12 to do, correct?</p> <p>13 A. They could.</p> <p>14 Q. So rather than esc -- rather than</p> <p>15 de-escalate, repetitive commands can actually</p> <p>16 escalate, true?</p> <p>17 A. They can.</p> <p>18 Q. We talked about you being in a position</p> <p>19 where you were up against the median at the time</p> <p>20 that DeCynthia set foot on the ground and came out</p> <p>21 with a knife in her hand.</p> <p>22 Do you remember that?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Was there anything that prevented you from</p> <p style="text-align: right;">133</p>	<p>1 Q. So when DeCynthia's door was open, you</p> <p>2 could not have jumped back over the median to the</p> <p>3 eastbound side to place yourself in a safer</p> <p>4 position?</p> <p>5 A. Not with the time frame involved, no, sir.</p> <p>6 Q. What time frame?</p> <p>7 A. To be able to open up the door -- for her</p> <p>8 to open up the door and assess as she was trapped</p> <p>9 in the vehicle, no.</p> <p>10 Q. After the door was open and before she</p> <p>11 came out, were you able to jump over to the</p> <p>12 eastbound side -- on the other side of the median</p> <p>13 to the eastbound traffic side?</p> <p>14 A. Physically I could have, but that would</p> <p>15 have been poor tactics.</p> <p>16 Q. My question earlier was there was nothing</p> <p>17 that prevented you from jumping over to the</p> <p>18 eastbound side of the median after the door was</p> <p>19 open and before she came out, correct?</p> <p>20 A. Incorrect.</p> <p>21 Q. What was there to stop you from jumping</p> <p>22 over the median?</p> <p>23 A. Poor tactics. It would have put me --</p> <p>24 Q. Forget tactics. I am not talking about</p> <p style="text-align: right;">135</p>
<p>1 jumping back over the median to the eastbound side</p> <p>2 when you were on the westbound side?</p> <p>3 A. Yes.</p> <p>4 Q. What?</p> <p>5 A. I would have had the time, I would have</p> <p>6 had to put down -- I would have had to put down the</p> <p>7 shield, I would have had to somehow hop over a</p> <p>8 four-foot concrete barrier, while a person is</p> <p>9 aggressing on you.</p> <p>10 Q. Is it your testimony that you were</p> <p>11 incapable of jumping over the four-foot median</p> <p>12 prior to DeCynthia Clements coming out of the car</p> <p>13 with her feet on the ground?</p> <p>14 A. Prior to her exiting out of the vehicle</p> <p>15 when the door was already opened, sir?</p> <p>16 Q. Yes.</p> <p>17 A. Yes. I wouldn't -- I wouldn't have been</p> <p>18 able to turn on my back, hop over the median and</p> <p>19 safely cross that. No, I couldn't. No, sir.</p> <p>20 Q. I am confused. Did you say yes you could</p> <p>21 or no you -- I'm --</p> <p>22 A. No, I could not. It would have put me at</p> <p>23 a tactical disadvantage. So, no, sir, I would not</p> <p>24 have.</p> <p style="text-align: right;">134</p>	<p>1 tactics. I am talking about physically.</p> <p>2 Was there anything physically that</p> <p>3 prevented you from jumping over the median before</p> <p>4 she came out of the car while the door was open?</p> <p>5 A. No, there is nothing physically preventing</p> <p>6 me, sir. No, I could have hopped over, yes.</p> <p>7 Q. Now, there was discussion that night of</p> <p>8 bringing over a vehicle known as BATT, is that</p> <p>9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. What is the BATT?</p> <p>12 A. That is an armored vehicle used by the</p> <p>13 Elgin SWAT team.</p> <p>14 Q. Was the armored vehicle on scene before</p> <p>15 she came out of the car?</p> <p>16 A. I believe it had just arrived on the</p> <p>17 scene.</p> <p>18 Q. Do you agree that the BATT was not</p> <p>19 employed as a mechanism to help assist get her out</p> <p>20 of the vehicle, that it was there too late?</p> <p>21 A. Yes, it was there too late. Yes.</p> <p>22 Q. While any individual police officer was</p> <p>23 not inside one of their vehicles, did DeCynthia</p> <p>24 ever make any attempt to drive at any officer?</p> <p style="text-align: right;">136</p>



<p>1 A. She put it in reverse, so she was driving</p> <p>2 at us in our -- yes. So she was going in the</p> <p>3 direction of the officers when she put it in</p> <p>4 reverse.</p> <p>5 Q. So her car was being used as a deadly</p> <p>6 weapon is what you're saying?</p> <p>7 A. She did not drive far in reverse. She</p> <p>8 drove in the direction of the officers. So that is</p> <p>9 a threatening gesture. But it did not need a</p> <p>10 response at that time of any force, no, because she</p> <p>11 put it back into drive.</p> <p>12 Q. How many feet were between you and the</p> <p>13 other officer when the car was moving in reverse?</p> <p>14 A. There was enough area to make a decision</p> <p>15 if we had to go behind a car, a squat car to block</p> <p>16 ourselves, or to hop over the median.</p> <p>17 Q. So you do agree that a car can be used as</p> <p>18 deadly force, is that correct?</p> <p>19 A. Yes, sir.</p> <p>20 Q. And so what you did there was employ the</p> <p>21 tactic of distance in order to ensure that the car</p> <p>22 was not deadly force because of your tactic of</p> <p>23 space, correct?</p> <p>24 A. Yes, sir?</p> <p style="text-align: right;">137</p>	<p>1 you could turn it off when having officer to</p> <p>2 officer contact off of the scene.</p> <p>3 Q. Did you clearly communicate all</p> <p>4 of your plans and the possible scenarios of</p> <p>5 DeCynthia Clements coming out of the car to your</p> <p>6 fellow officers before she stepped foot onto the</p> <p>7 ground and you shot her?</p> <p>8 A. Yes, I did.</p> <p>9 Q. Do you agree that people who are under the</p> <p>10 influence of drugs and alcohol are not going to</p> <p>11 cooperate as easily and have diminished mental</p> <p>12 capacity?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Did you want squad on scene?</p> <p>15 A. Yes, I did. I requested Sergeant</p> <p>16 Jim Lalley to respond out there so he could assess</p> <p>17 and make the final determination.</p> <p>18 Q. Do you agree that there was never a plan</p> <p>19 for extraction for DeCynthia Clements from the</p> <p>20 vehicle?</p> <p>21 A. I disagree.</p> <p>22 Q. Did anybody in command ever tell you to</p> <p>23 take out the passenger window and pepper spray her</p> <p>24 or do whatever you had to do to extricate her from</p> <p style="text-align: right;">139</p>
<p>1 Q. Did you ever tell anybody that when</p> <p>2 somebody comes at you with a knife and you're</p> <p>3 standing within six to eight feet of them that</p> <p>4 that's a lethal encounter where deadly force is</p> <p>5 necessary?</p> <p>6 A. Yes.</p> <p>7 Q. And your testimony today is that you were</p> <p>8 within five feet of her when she came out of the</p> <p>9 car with a knife, is that correct?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And after she was shot, you made a</p> <p>12 statement that, she is shot in the head, bro.</p> <p>13 There is nothing we can do, right?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Did you tell me today that it was</p> <p>16 acceptable protocol to turn your body camera off</p> <p>17 when you're involved in a police incident?</p> <p>18 A. No, I did not say in a police incident. A</p> <p>19 police incident is a pretty vague term because you</p> <p>20 can turn your camera off occasionally during</p> <p>21 contact with the public. It depends on the</p> <p>22 situation. You can turn your camera off inside of</p> <p>23 a squad car when it has the audio and the video</p> <p>24 recording. And at the time under the draft policy</p> <p style="text-align: right;">138</p>	<p>1 the car?</p> <p>2 A. No, sir.</p> <p>3 Q. Do you agree that your plan was to</p> <p>4 peacefully resolve this encounter with</p> <p>5 DeCynthia Clements?</p> <p>6 A. Yes.</p> <p>7 Q. What was your plan for the 360 if it could</p> <p>8 not end peacefully?</p> <p>9 A. The 360? What does that mean, sir?</p> <p>10 Q. Well, it means the opposite of peaceful.</p> <p>11 Had she come out aggressively, what was the plan if</p> <p>12 she was going to come out of the vehicle</p> <p>13 aggressively with the knives?</p> <p>14 A. It depended on how she was acting. If she</p> <p>15 came out aggressively but stood there and we had</p> <p>16 the time and we had the distance, we were able to</p> <p>17 back off, we were able to utilize the taser, or if</p> <p>18 she ran the opposite way and she was just running</p> <p>19 on I-90, then we wouldn't have had to use the</p> <p>20 deadly force option.</p> <p>21 Q. Well, this instance was not an option</p> <p>22 because you had none and you couldn't go anywhere,</p> <p>23 correct?</p> <p>24 A. That is correct, sir.</p> <p style="text-align: right;">140</p>



<p>1 Q. You didn't leave yourself enough distance, 2 correct?</p> <p>3 A. No, sir.</p> <p>4 Q. Was there a canine on site that night?</p> <p>5 A. Yes. Officer Schuttrow had his canine.</p> <p>6 Q. The canine was never taken out of the car 7 or deployed, correct?</p> <p>8 A. That is correct, sir. That would be 9 against our SOP.</p> <p>10 Q. Did you ever have a plan for extraction or 11 not?</p> <p>12 A. Yes, I did.</p> <p>13 Q. So extraction means either opening the 14 door or breaking the window, is that correct?</p> <p>15 A. That is correct, sir.</p> <p>16 Q. Which one did you do?</p> <p>17 A. Which one would I have done?</p> <p>18 Q. No. Did you open the door?</p> <p>19 A. No. She opened the door.</p> <p>20 Q. Did you break the window?</p> <p>21 A. No, sir.</p> <p>22 Q. So you never did extract her before she 23 stepped out of the car and you shot her, correct?</p> <p>24 A. No. There was no attempt on an extraction</p> <p style="text-align: right;">141</p>	<p>1 MR. DEANO: Correct. The defense will 2 stipulate that the -- the foundation for the 3 videos. What is shown on the video was what was 4 seen that night and captured by the video by the 5 cameras.</p> <p>6 MR. ROMANUCCI: Very well.</p> <p>7 MR. DEANO: I am not trying to be tricky with 8 that language. Those videos are stipulated to 9 foundation.</p> <p>10 MR. ROMANUCCI: I get it. Understood. Thank 11 you.</p> <p>12 BY MR. ROMANUCCI:</p> <p>13 Q. All right. Officer Jensen, final round of 14 questioning here. I don't know if it's going to 15 take 5 minutes or 20 minutes, but whatever it does.</p> <p>16 A. Whatever you want.</p> <p>17 Q. Yeah. Do you know any members of 18 DeCynthia's family?</p> <p>19 A. I know Chevelle Clements. And I have met 20 Holly Lucy, I believe, one time.</p> <p>21 Q. And had you ever met DeCynthia before?</p> <p>22 A. No, sir. And if I have, I do not recall 23 it at all. I have been a police officer now at 24 Elgin for, you know, at that time, 18 to 19 years.</p> <p style="text-align: right;">143</p>
<p>1 because she opened up the door.</p> <p>2 MR. ROMANUCCI: All right. We are going to 3 take another break. I am going to see where I am 4 at and, then, let you know what we have left.</p> <p>5 THE WITNESS: Okay. Sounds good, sir.</p> <p>6 MR. ROMANUCCI: It's 2:53. Why don't we 7 reconvene at about 3 o'clock.</p> <p>8 THE WITNESS: 3 o'clock. All right.</p> <p>9 THE VIDEOGRAPHER: Off the record. The time is 10 2:54 p.m.</p> <p>11 (Whereupon, there 12 was a short break.)</p> <p>13 THE VIDEOGRAPHER: Okay. We are back on the 14 record. The time is 3:05.</p> <p>15 MR. ROMANUCCI: So counsel and I had an 16 off-the-record discussion about the foundation of 17 the body cam worn videos of the officers from the 18 night of March 12, 2018.</p> <p>19 I had asked counsel whether or not there 20 would be a stipulation as to the foundation for 21 those videos. And the response was that there will 22 be a stipulation as to who wore which body cams and 23 that we would not need to individually authenticate 24 each one.</p> <p style="text-align: right;">142</p>	<p>1 Do you come into contact with people on the street, 2 and you don't remember them? Sure. But I do not 3 recall.</p> <p>4 Q. And what race is Chevelle?</p> <p>5 A. He is black.</p> <p>6 Q. And what race is Holly?</p> <p>7 A. I believe she is white.</p> <p>8 Q. These are some questions that I may have 9 asked you before, but I am just trying to go 10 through a list here.</p> <p>11 Do you agree that prior at any time that 12 night that she never verbally threatened anyone 13 where you felt that the use of force was necessary?</p> <p>14 A. That is correct. She never threatened 15 anyone verbally from anything I heard, sir.</p> <p>16 Q. Do you agree that you stated that there is 17 a knife on her hip. She doesn't have it out. And 18 that she has a history of suicidal incidents?</p> <p>19 A. I don't recall saying she had a knife on 20 her hip. I could have, though, with the 21 Illinois State Police Report. I am not sure. I 22 would have to refresh my memory on the police 23 report, sir.</p> <p>24 Q. Did DeCynthia Clements at some point show</p> <p style="text-align: right;">144</p>



<p>1 you the middle finger?</p> <p>2 A. She gave me a salute and not like the</p> <p>3 slang for the middle finger salute, but actually</p> <p>4 like army salute when I was pinning her in.</p> <p>5 Q. Did you ever say on your own body worn</p> <p>6 camera that this is getting messy now?</p> <p>7 A. I probably did at some point, especially</p> <p>8 when the vehicle was becoming engulfed in flames.</p> <p>9 Q. Garcia's first name is Christine, is that</p> <p>10 correct?</p> <p>11 A. Christina.</p> <p>12 Q. Christina?</p> <p>13 A. Yes, sir.</p> <p>14 Q. And who is Linda?</p> <p>15 A. Linda? Oh, that's Officer Williamson.</p> <p>16 Q. Do you agree that Christina Garcia had a</p> <p>17 rifle and that Linda had a pepper ball?</p> <p>18 A. I agree with that, sir.</p> <p>19 Q. Did you give them orders or instruction on</p> <p>20 tactical position and use if she came out of the</p> <p>21 car with knives in her hand?</p> <p>22 A. Yes, I did.</p> <p>23 Q. Well, that would be on your body cam then,</p> <p>24 is that correct?</p> <p style="text-align: right;">145</p>	<p>1 she gave you the finger, nonetheless, right?</p> <p>2 A. Yes. If I said it, I don't recall. If</p> <p>3 it's on the body cam, I did. I am not disputing</p> <p>4 it.</p> <p>5 MR. ROMANUCCI: All right. We are not going</p> <p>6 off the record. We are just going to mute you for</p> <p>7 a second. We are going to stick to video.</p> <p>8 THE WITNESS: Sure.</p> <p>9 (Whereupon, a discussion</p> <p>10 was had off the record.)</p> <p>11 BY MR. ROMANUCCI:</p> <p>12 Q. All right. We are going to show you one</p> <p>13 last document that you can identify for us, please.</p> <p>14 A. Sure.</p> <p>15 MS. RAVEENDRAN: So exhibit -- this will be</p> <p>16 Exhibit 14. The Hillard Heintze interview.</p> <p>17 (Whereupon, Jensen Deposition</p> <p>18 Exhibit No. 14 was marked for</p> <p>19 identification as of 14.)</p> <p>20 BY MR. ROMANUCCI:</p> <p>21 Q. Is this the document that you reviewed</p> <p>22 prior to today's deposition?</p> <p>23 A. Yes, sir.</p> <p>24 Q. And it is -- it shows at the top 91 pages</p> <p style="text-align: right;">147</p>
<p>1 A. Yes, it would.</p> <p>2 Q. Earlier you said that when I asked you if</p> <p>3 she gave you the middle finger, you said you</p> <p>4 remember a salute.</p> <p>5 Do you recall saying that, she is giving</p> <p>6 us the middle finger and, yeah, this is going to</p> <p>7 get messy here?</p> <p>8 A. If it's on the body cam, it happened, sir.</p> <p>9 I just don't recall it at this time.</p> <p>10 Q. Were you offended by her when she gave you</p> <p>11 the middle finger?</p> <p>12 A. No.</p> <p>13 Q. So why would it get messy if a black woman</p> <p>14 gave you the middle finger?</p> <p>15 A. I think because of the actions if the</p> <p>16 vehicle was starting on fire, that was the part</p> <p>17 that it's starting to get a little messy.</p> <p>18 Q. Well, what if this happened before the</p> <p>19 fire started?</p> <p>20 A. It just shows her obstinance, but that's</p> <p>21 not being offensive. Over the course of my career</p> <p>22 many people have said hurtful words to me and given</p> <p>23 me the finger. This is nothing new.</p> <p>24 Q. But you said it's going to get messy after</p> <p style="text-align: right;">146</p>	<p>1 in length. Does that sound right to you?</p> <p>2 A. Yes, sir.</p> <p>3 Q. And this is the estimate that you gave to</p> <p>4 Hillard Heintze with your attorney present May 29,</p> <p>5 2019?</p> <p>6 A. Yes, sir.</p> <p>7 MR. ROMANUCCI: That's all I have.</p> <p>8 MR. DEANO: I have no questions. And we will</p> <p>9 reserve only because my -- my internet faded in and</p> <p>10 out a few times, and I missed a few things, but so</p> <p>11 we will reserve. I know it's on video, but the</p> <p>12 witness will read it.</p> <p>13 MR. ROMANUCCI: Fair.</p> <p>14 MR. DEANO: Thank you. Enjoy the holiday.</p> <p>15 MR. ROMANUCCI: You, too, everybody. Happy</p> <p>16 Thanksgiving.</p> <p>17 MR. DEANO: Thank you.</p> <p>18 THE VIDEOGRAPHER: Off the record at 3:15.</p> <p>19 (FURTHER DEPONENT SAITH NOT.)</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p style="text-align: right;">148</p>



<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE NORTHERN DISTRICT OF ILLINOIS</p> <p>3 EASTERN DIVISION</p> <p>4 CHEVELLE & HOLLY CLEMENTS, as)</p> <p>5 Co-Administrators of the)</p> <p>6 Estate of DECYNTHIA CLEMENTS,)</p> <p>7 Deceased,)</p> <p>8 Plaintiffs,) No. 18 CV 3995</p> <p>9 -v-)</p> <p>10 CITY OF ELGIN, a municipal)</p> <p>11 corporation; et al.,)</p> <p>12 Defendants.)</p> <p>13 This is to certify that I have read</p> <p>14 the transcript of my deposition taken in the</p> <p>15 above-entitled cause by Elvira M. Molnar,</p> <p>16 Certified Shorthand Reporter, on November 24, 2020,</p> <p>17 and that the foregoing transcript accurately states</p> <p>18 the questions asked of me and the answers given by</p> <p>19 me as they now appear.</p> <p>20</p> <p>21 Christian Jensen</p> <p>22 SUBSCRIBED AND SWORN TO</p> <p>23 before me this day</p> <p>24 of , A.D. 20 .</p> <p>Notary public</p> <p>149</p>	<p>1 the outcome of this action.</p> <p>2 IN WITNESS WHEREOF, I do hereunto set my</p> <p>3 hand and affix my seal of office at Chicago,</p> <p>4 Illinois, this 7th day of December, 2020.</p> <p>5</p> <p>6 </p> <p>7</p> <p>8 C.S.R. Certificate No. 84-3309.</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>151</p>
<p>1 STATE OF ILLINOIS)</p> <p>2) SS:</p> <p>3 COUNTY OF L A K E)</p> <p>4 I, Elvira M. Molnar, a Certified Shorthand</p> <p>5 Reporter of the State of Illinois, do hereby</p> <p>6 certify:</p> <p>7 That previous to the commencement of the</p> <p>8 examination of the witness, the witness was duly</p> <p>9 sworn to testify the whole truth concerning the</p> <p>10 matters herein;</p> <p>11 That the foregoing deposition transcript</p> <p>12 was reported stenographically by me, was thereafter</p> <p>13 reduced to typewriting under my personal direction</p> <p>14 and constitutes a true record of the testimony</p> <p>15 given and the proceedings had;</p> <p>16 That the said deposition was taken before</p> <p>17 me at the time and place specified;</p> <p>18 That the reading and signing by the</p> <p>19 witness of the deposition transcript was agreed</p> <p>20 upon as stated herein;</p> <p>21 That I am not a relative or employee or</p> <p>22 attorney or counsel, nor a relative or employee of</p> <p>23 such attorney or counsel for any of the parties</p> <p>24 hereto, nor interested directly or indirectly in</p> <p>150</p>	<p>1 MCCORKLE LITIGATION SERVICES, INC.</p> <p>2 200 North LaSalle Street, Suite 2900</p> <p>3 Chicago, Illinois 60601-1014</p> <p>4 (312) 263-0052</p> <p>5 December 7, 2020</p> <p>6 DEANO & SCARRY, LLC</p> <p>7 MR. JAMES L. DEANO</p> <p>8 53 West Jackson Boulevard, Suite 1610</p> <p>9 Chicago, Illinois 60604</p> <p>10 IN RE: Clements -v- City of Elgin</p> <p>11 COURT NUMBER: 18 CV 395</p> <p>12 DATE TAKEN: 11/24/20</p> <p>13 DEPONENT: Lieutenant Christian Jensen</p> <p>14</p> <p>15 Dear Mr. Deano:</p> <p>16</p> <p>17 Enclosed is the deposition transcript for the</p> <p>18 aforementioned deponent in the above-entitled</p> <p>19 cause. Also enclosed are additional signature</p> <p>20 pages, if applicable, and errata sheets.</p> <p>21 Per your agreement to secure signature, please</p> <p>22 submit the transcript to the deponent for review</p> <p>23 and signature. All changes or corrections must be</p> <p>24 made on the errata sheets, not on the transcript</p> <p>itself. All errata sheets should be signed and all</p> <p>signature pages need to be signed and notarized.</p> <p>After the deponent has completed the above, please</p> <p>return all signature pages and errata sheets to me</p> <p>at the above address, and I will handle</p> <p>distribution to the respective parties.</p> <p>If you have any questions, please call me at the</p> <p>above telephone number.</p> <p>Sincerely,</p> <p>Ms. Cindy Alicea Ms. Elvira M. Molnar</p> <p>Signature Department Court Reporter</p> <p>cc: All counsel of record</p> <p>152</p>



<p>1</p> <p>1 37:8,10 119:6,17 1/12/16 127:21 10 126:4,6,10 11 95:20,21 127:15,18 11/24/20 37:11 111:1 118:4, 17 124:12 126:7 127:16 130:7 131:9 11:02 4:2 11th 8:11 48:13 12 5:22 9:18 11:23 12:3 15:13 16:8 18:8 29:23 40:14 46:6 47:17 48:13 113:13 120:17 130:6,9,11 132:1 142:18 12/29/16 118:11 125222.jensen's 95:5 12:14 55:22 12:26 56:5 12:30 8:19 12th 8:11 13 131:8 14 15:14 40:14 147:16, 18,19 15 55:19 102:16 16 14:24 170 15:19 17th 38:3,4 18 13:8 104:18 143:24 19 13:8 143:24 1990s 21:3 19th 64:3 1:49 110:20</p> <p>2</p> <p>2 56:2 110:16 119:15 120:24 20 103:12 143:15 2000 21:5 2000s 21:3,4 2001 13:20 2002 14:20,23 2010 21:6,7</p>	<p>2011 14:6,7 104:18 2012 14:7 2013 59:12 2016 7:21 130:11 2017 7:21 38:4 44:16 45:1 2018 5:22 8:12 9:19 11:24 12:3 13:7 14:20,23 15:2 16:8 18:8 21:6, 7 29:23 35:22 44:16 46:6 47:17 48:13 64:3 113:13 118:13, 22 119:3 120:18 128:1 130:13 132:1 142:18 2019 148:5 2020 44:13 21 8:1 13:5 23 18:2,17 29 103:19 148:4 2:03 111:3 2:53 142:6 2:54 142:10 2_video_2018-03- 012_0055 83:17</p> <p>3</p> <p>3 95:7 142:7,8 3-4 95:10 30 46:23 47:10 49:2 50:19 360 140:7,9 3:05 142:14 3:15 148:18</p> <p>4</p> <p>4 95:7 40 69:12 93:16,22 94:8 97:10 40-hour 20:2,6,7,17 40-millimeter 69:13,17 71:8,13,20 72:8 116:6 42.5.1 121:2 4:00 14:9</p> <p>5</p> <p>5 104:24 105:2,4 111:16 143:15 5-day 20:2</p>	<p>5/27/15 118:20 50 15:15 40:17 51 104:19 5th 96:8</p> <p>6</p> <p>6 15:19 95:18 110:24 111:6 60 47:12</p> <p>7</p> <p>7 118:3,6 123:4</p> <p>8</p> <p>8 118:16,19 125:8 8:00 14:8</p> <p>9</p> <p>9 124:11,15 125:8 90 104:19 91 147:24 99 13:13,14</p> <p>A</p> <p>a.m. 4:2 8:19 ability 117:2 absolutely 12:18 57:24 63:5 81:16 110:1 113:17 abuse 29:5 academy 17:13,16 18:6,12,16, 19 19:2,5,8 acceptable 138:16 accommodate 7:2 120:18 accommodations 120:16,20 account 50:17 accurate 18:4 43:13,24 79:1,2 103:21 accurately 43:15 acknowledge 23:5 act 31:8 36:20 120:14 acting 85:15 140:14 actions 10:14 12:19 34:8 96:1 117:14 146:15 activate 47:2</p>	<p>activated 46:15 47:17,24 activates 46:17,22 activities 48:4 actual 20:1 50:17 add 20:1 added 83:18 additional 20:4 51:4 116:14 address 131:21 advantage 93:18 97:12 advised 24:16 26:24 67:24 117:22 advises 58:24 affect 63:5 affirmative 42:20 affirms 39:2,8 affixed 95:1 African 15:13 afternoon 13:18 Agency 56:14 aggressing 134:9 aggressive 114:14 aggressively 85:15 140:11,13,15 agitated 21:15 agree 8:10 10:19 11:22 28:18 29:4,22 33:10 34:21 35:1,5,13 36:3,10,19,22 43:12 44:5,8,11 65:20 67:7 82:12 83:2 85:14,16, 19 90:4 91:3,9 92:17 93:14 99:6 106:2 107:14,18,22 109:12 113:11,24 115:15 119:1 120:12 122:5, 14 123:1 124:20 128:23 129:3 131:20 133:4 136:18 137:17 139:9,18 140:3 144:11,16 145:16,18 agreed 91:5 ahead 14:19 32:3 52:8 55:14 63:3 65:24 67:16 73:23 75:12 81:13 100:4 104:7 114:9 aimed 9:23 25:11,12 aiming 72:7 aims 130:22 alcohol 28:23 29:5,9 34:4 94:16 107:20 122:1 139:10</p>	<p>allowed 6:21,22 45:1 48:10 allude 30:14 39:16 alluding 30:12 117:14 ambulance 22:5,6 83:3,6,10 123:16,19 124:7 Ambulances 124:3 amendment 96:8 American 15:13 Americans 120:13 amount 17:8 45:20,21 77:18 92:7 analyze 89:12 ancillary 14:17 and/or 34:1 120:2 121:17 128:8 130:22 answers 5:19 94:22 95:6,14 apologize 34:19 97:4 applicable 119:11 applied 119:2,8 applies 119:7 122:5 apply 18:21,22 approach 26:2 28:6 92:5 101:20 approached 22:24 26:12 27:15, 19,20,23 28:1,8 64:11,18,22,23 65:2, 5,11,19 66:2 67:9 68:18 108:5 approaching 26:7 approximately 8:19 13:14,22 14:12 38:1 47:5,16 49:1 76:10 89:15,20 127:3 approximation 15:10 April 44:16 area 21:18,20 22:1,5,6 69:23 93:11 124:4,5 137:14 areas 69:23 argumentative 80:22 100:3 arm 103:14 armed 74:12 128:16 armored 136:12,14 arms 15:22 army 145:4 arrest 117:10,14,16,19,22 128:19</p>	<p>arrived 8:17,24 29:22 47:18 48:1 83:12 129:13 136:16 Asian 15:16 45:11,21 Asians 41:19 ASP 113:15 assess 129:5 135:8 139:16 assist 90:23 136:19 assistance 23:15 association 40:6,21 41:9 42:1,23 43:1,4,10,20 assume 25:18 assumes 81:24 attached 125:13 attempt 25:14 26:3,8,12 73:15 90:10,14,19 101:11,17 102:3 136:24 141:24 attempted 25:7 attempting 33:18 108:9 attempts 26:2 attended 19:23 attention 23:14 attorney 6:5 12:9,12 34:17 56:22 57:1,7,23 58:4,24 59:6 60:13 61:7,9 62:10 148:4 Attorney's 19:20 attorneys 4:11 audio 46:19 48:7 138:23 authenticate 142:23 authored 53:2 authority 54:19 authorized 54:11 automatically 46:22 aware 11:8,17 15:4 26:18 35:2,7 36:23 37:2 44:15 66:13,14 75:18,21 76:2 80:2 83:13 85:11,19 86:7, 10 Axon_body 83:17</p> <p>B</p> <p>back 13:7 41:22 56:4 68:6 81:2 83:21 84:21 85:8,10 88:21 92:1,2 98:22 99:16 100:15 111:2 119:17 134:1, 18 135:2 137:11 140:17 142:13</p>
--	---	---	---	--	---



backed 82:8 90:5	body 15:23 23:13 46:8,11, 14,16 47:2,6,17 48:11,14,18,21 49:21 50:3,20 83:19 88:20 138:16 142:17,22 145:5,23 146:8 147:3	C	Caucasian 15:16 45:20	clearer 129:8	concerned 69:1,5 70:19	
backwards 92:10,20 99:2	boomerang 133:11	call 7:3 25:7,14 29:20,21 51:5,13,22 54:12,19 57:6 83:2,6,10 100:6 104:19 115:5	cause 70:3	Clements 4:12 5:22 9:4,23 10:8,13,24 12:2 18:8 22:12,21 24:4,12 25:5,22 27:9,16 28:19 29:16 30:1,8, 23 32:22 33:10,24 34:7 35:22 36:4,11 37:3 48:22 49:19 51:24 61:19 63:1 64:19 65:2,20 66:17 68:2,5 70:9 71:8,14, 21 72:9 74:9 76:22 77:2 79:14 80:13,17 82:7 85:20 86:17,23 89:5 90:11,17 91:4 92:18 93:5 96:2 101:3 105:20 117:10 119:3 120:17 121:20 122:6 124:21 128:20 134:12 139:5,19 140:5 143:19 144:24	conclude 34:2	conclusion 32:3
bad 52:10 119:9	Bosque 102:20	called 4:6 21:24 23:11 25:13 46:24 51:7 52:3,4,10,18 53:5,6, 12 55:1 102:5 116:2 128:24 129:3,4,6	causing 11:4 68:19	conduct 112:16	concrete 73:11 127:1 134:8	
ball 69:14,16 70:1,2 72:1,4,8 97:10,13,15 145:17	bothered 62:24	calm 131:17	cell 25:14,16,20,23	condition 50:3 126:11	confused 134:20	
ballpark 15:14	bothering 63:13	calmly 19:3 21:13,17	Center 22:1	conducted 113:18	conscious 10:10 71:19 78:11	
barricade 93:19 97:10	bottom 101:10 113:3 114:6 121:1	cam 46:8,11,14,16 47:2,6 48:14 49:8,10 83:19 88:20 142:17 145:23 146:8 147:3	certification 19:18 20:3	conference 4:22	confirmed 43:7	
barricaded 105:13 128:11,15, 21,24 130:22 131:4	brake 68:20	camera 23:13 47:17 48:7,11, 18,21 49:21 50:3,20, 24 138:16,20,22 145:6	certified 17:3 19:13,17,22 20:16 22:11,16 23:16,24 24:8 27:12 61:2,5	confirm 115:23	confronted 53:24 54:2	
barrier 23:1 128:17 134:8	brandish 64:15,20 65:4 66:4, 11	cameras 143:5	CET 19:22	confronted 53:24 54:2	conscious 9:19 48:22 82:13	
based 33:22 82:17 119:3	brandished 64:12 65:3,14,18,21 66:1,15,17 67:10	cams 142:22	changed 44:10	constant 76:20	consciously 9:19 48:22 82:13	
basement 105:14	brandishing 65:13 93:15,21 116:20	canine 141:4,5,6	changing 115:17	construed 31:7	considered 52:5 79:13 95:24	
basic 69:17	breach 103:2	capabilities 128:8	charge 9:1,3 14:11 23:22,23 33:6 72:3,7 79:22 99:14 129:18	contact 23:3,6 25:8,22,24 48:6 70:11 120:4 138:21 139:2 144:1	contained 119:10	
basically 112:9	break 6:22 7:1,6 16:16 31:9 55:18,24 78:1,9 110:15,22 141:20 142:3,12	capacity 8:7 13:11 31:23 32:9,11,13,16,17,23 33:3,7 139:12	charged 49:20,24 52:11,14, 15 81:5,10 98:24	contending 103:1	continue 78:8	
baton 16:23 113:14	breakdown 15:17 45:23	captain 50:22	charging 98:19 109:20	continuously 47:8	continuum 112:19	
BATT 136:8,11,18	breakdowns 46:2	captured 143:4	chart 38:21	control 104:9,10	controlling 111:18	
battery 47:8	breaks 6:21,24 7:3	car 25:12 27:22 48:6 49:4,8 66:2,6,7,8 68:10,13 69:3 72:9 74:4,10 75:18,22 76:6 78:5,8 80:18 82:15 85:12,21 86:11 90:20,24 91:4, 11,22 92:2,9,21 97:21 98:9,16 99:8, 11,12 100:1 101:18 102:3,13 124:21 126:12 127:10,11 134:12 136:4,15 137:5,13,15,17,21 138:9,23 139:5 140:1 141:6,23 145:21	check 25:19 97:1	conversion 22:21 23:14 49:5,11 50:21	conversations 58:3 60:2	
Beeder 53:21	breath 89:3	career 146:21	Chevelle 143:19 144:4	conveyance 128:17	cooperate 5:4 139:11	
began 25:1 68:19 109:12	bring 78:12	carry 16:13,14 17:5 113:15	chewing 68:5	convicted 8:3	corner 105:13 132:11	
begin 5:11	bringing 136:8	cartridge 113:21	chief 53:20,22 58:11 62:12,13	cooperated 5:4 139:11	cornered 92:14	
beginning 101:23	bro 138:12	cases 55:17	choice 48:20 71:19 80:19 81:19 82:17 90:7	computer 25:19		
behalf 54:8	broken 103:1	category 29:11	chose 80:9 81:7			
behavior 33:11,16 68:7 121:16 122:20	brown 15:7 40:16 41:9 45:15 117:6		chosen 96:1			
behaviors 33:23	buffer 46:24		Chris 35:12 52:8 55:14 59:24 63:3 65:24 67:16 73:23 79:19 80:23 81:13 86:3 93:10 100:4			
believed 128:16	Buick 26:7		Christian 4:5,14 95:14			
belt 9:8,12 16:10,11	build 21:15 77:18		Christina 145:11,12,16			
Bhavani 125:14	building 92:3 128:17		Christine 145:9			
biker 45:19	bullet 11:5 111:22		CI 20:7			
bit 13:2 20:11 24:8	bullets 9:16		Ciprofloxacin 106:14			
black 15:6 39:2,8,9,15,19 40:6,13,18 41:24 42:22 43:1,4,10,20 44:17 45:13,22 50:6, 13 55:10 117:6 144:5 146:13	burned 126:13		circumstance 115:18 116:15			
blink 39:3,8,19,23 41:15	burning 82:19 133:8		circumstances 12:10 105:19 107:12			
block 137:15	button 46:16,21		CIT 19:12,13,15,18,23, 24 20:7,12,14,17,23 22:11,16,19 23:16 24:1,8 27:12 120:22			
Bob 53:21			City 5:20 58:15			
bobbing 68:6			class 20:2,5,6,7,16 21:12			
bodily 68:12,15						



70:23 71:5 72:15,16, 18,19 73:18,20 74:4, 13,16,19,21,24 75:3, 19 76:2,23 78:9,16 80:7,10 81:11 82:10 83:4 84:18 85:12,22 86:8,20,24 87:4,7, 10,14 89:14,23 90:2 91:21 93:16,23 94:18,19 96:17 100:2 103:23 104:3 110:13 112:12,20 113:9 114:4,7,18 115:1,12,21 116:3,7, 15 119:12 120:11 121:8 122:6 123:11, 17,20 124:18 125:1, 2,6,7 126:16,23 127:7,22 128:4,9 129:15,18,19,21,22, 24 130:13 131:5 132:16,20 133:2,12 135:19 136:9 137:18,23 138:9 140:23,24 141:2,7,8, 14,15,23 143:1 144:14 145:10,24	D dangerous 121:17 dash 49:8,10 date 37:23 38:3,5 dated 118:11 127:20 dates 14:22 day 13:1 20:19,21 daylight 124:16 days 20:4,20 de-escalate 133:15 de-escalation 131:14,16 dead 79:15,16 80:17 81:5, 11,16 deadly 90:7 104:2 109:22 114:21 116:13,16 137:5,18,22 138:4 140:20 deal 64:1 130:20 dealing 17:13 18:23 19:10 119:20 dealings 18:7 Deano 12:4,7,15 18:10 32:2 35:10 52:6 55:12 56:11 57:7 58:20 59:2,20 63:2 65:23 67:12 73:21 79:18 80:21 81:12,23 85:23 93:8 94:1 98:11 100:3 104:5,7 110:19 125:8,10,14 143:1,7 148:8,14,17 death 5:21 68:13 debate 77:15 debating 51:8 debris 68:20 decide 51:6 decision 10:10 51:13,18 78:7, 11 109:11 123:2 137:14 decisionmaking 112:15 decisions 111:18 decline 45:22 Decynthia 4:12 5:22 9:4,23 10:8,13,24 11:22 12:2,17 18:8 22:12, 21 23:17 24:4,12,15, 19 25:1 26:2,19 27:9,16 28:19 29:16 30:1,8,23 32:16,22 33:10,18,24 34:7 35:22 36:4,11 37:3 48:22 49:19 51:24 61:19 63:1 64:19	65:20 66:17 68:5 69:2 70:9 71:8,14,21 72:9 74:9 76:22 77:2 78:12,18 79:14 80:13,17 82:7,14 85:20 86:17,23 89:5 90:11,17 91:4 92:11, 18 93:5 96:2 101:3 105:20,22 106:5 107:9,18 108:1,8,16 109:15,17,19,24 117:10 119:3,8 120:17 121:20 122:6,14 124:21 128:20 131:24 133:5,20 134:12 136:23 139:5,19 140:5 143:21 144:24 Decynthia's 78:2 107:1 125:20 126:11,19 135:1 143:18 Defendant 95:24 defense 111:6 114:17 143:1 define 119:11 121:11 124:3 131:14 defined 107:14,18 128:20 defines 28:20 121:20 definition 28:19 29:6 85:17 128:11,21 131:3,4 definitions 119:6,7,10,14 delineate 97:20 delirium 123:14 demographic 15:6,7 department 7:14,17,24 8:7 9:16 11:10,14,18 13:5 14:21 17:12,19 18:6 19:1,13 20:15 21:2 28:20 42:21 43:9,18 62:6,18 63:14,19 64:10 68:1 84:24 85:2 103:6,20 112:11 127:20 130:19 Department's 44:2 depend 32:10 depended 140:14 depending 74:5 91:13 103:13 116:22 depends 35:18 103:15 138:21 depicted 125:18 depicts 124:20 deployed 70:12,21 71:5 72:10 108:23 114:4 141:7 deployment 109:2 DEPONENT 148:19 deposition 4:21 5:13 7:13 37:9 56:1,8 57:21 58:8 64:7 95:9 105:3	110:23 118:2,15 124:10,14 126:5 127:14 130:5 131:7 147:17,22 depth 18:3 deputy 53:20 62:13 derogatory 49:20 50:2 51:21,23 52:1,2,5 describe 55:5,10 96:2 deserved 12:2 design 79:14 designated 74:23 designed 10:14,20 11:2 69:22 70:6 78:15 81:19 desired 35:4 desk 54:3 destructive 121:17 detailed 98:15 99:10 details 38:18 determination 32:19,21 139:17 determine 21:16 determined 77:16 92:5 device 70:5 diagnose 29:1 diagnosis 120:9 121:6 difference 19:16 69:15 difficult 121:11 diminished 32:13,16 33:7 139:11 direct 24:16 58:16 direction 10:7 23:5 68:21 94:11,17 137:3,8 directive 11:8,17 48:9 directives 48:12,14 directs 11:10 Disabilities 120:14 disability 120:18,21 disadvantage 134:23 disagree 139:21 disarray 103:3 discharge 11:5 97:15,17 110:7, 12 discharged 63:8 98:4 discharging 104:11	disciplined 8:6 disclosed 102:18 disconnect 20:12 discretion 113:4 discretionary 123:9 discuss 59:16 discussed 58:21 60:12 discusses 102:16 discussion 12:13 51:15 60:5 136:7 142:16 147:9 discussions 24:11 60:9 dispatch 25:19 29:18 displaying 68:7 disposal 131:19 disproportionately 44:6 disputing 147:3 disqualify 44:17 distance 6:15 79:9 80:6,12,18 86:17 87:3 91:13,16 92:11 137:21 140:16 141:1 distress 94:15 disturbance 18:13 34:24 94:16 disturbances 17:15 122:2 disturbed 17:23 18:20 19:11 28:21,22 29:7,12 30:2 34:1,3,21 35:3, 9,21 36:19 83:14 107:15,19 division 14:14 54:6,7 divisions 54:12,19 divulged 61:21 document 94:21 130:15 147:13,21 documents 58:6,13 59:7 door 16:17,18 66:8,10,16 75:18 88:11 90:11, 15,18,23 91:4,9 101:21,24 102:1,11 103:1 108:16,22 117:12,17,20 134:15 135:1,7,8,10,18 136:4 141:14,18,19 142:1 draft 138:24 drag 75:16 drawn 110:2 drink 7:8	drive 51:11 104:20 136:24 137:7,11 driver 67:9 driver's 27:4 77:17 101:24 driving 30:12 137:1 drop 36:2,4,6,11,14 dropped 77:8 drove 30:15 137:8 drug 14:10,12 29:6 94:16 105:16 106:6,8,10 107:16,20 drugs 28:23 29:10 34:4 106:21,23 107:1,3 139:10 Duffy 129:13 duly 4:3,6 duties 14:17 duty 8:7,10 9:6,8,12,13, 15 10:19 11:1 16:4, 9,11 63:8
	E earlier 18:11 40:12 85:24 98:12 99:7 101:17 114:12 132:4 135:16 146:2 early 7:21 14:7 117:21 easily 139:11 east 77:6 108:15,21 125:5 126:1,16,19 eastbound 23:1 74:2 77:3,10 84:16 100:20,23 125:22 127:6 134:1 135:3,12,13,18 Ecker 22:1 edged 73:5 EDPS 18:23 35:17 effect 70:6 81:14 86:19 106:22,24 107:3 118:12,23 128:1 130:12 effective 114:7 118:20,21 120:10 130:11 effectively 130:20 eight-hour 20:16 21:12 electrical 70:7 113:18 electronic 58:7 70:5 Elgin 5:20 7:14,17,24 8:3, 7,12,15 9:16 11:10, 14,18 13:5,11 14:21 15:6,12 17:11,19 18:5 19:1,13 20:14				



21:1,24 28:20 29:18 30:21 33:23 34:10 37:23 39:18 40:13, 16 42:21 43:9,18 44:1,22 45:9,24 58:15 62:6,18 63:15, 18 64:10 65:21 66:12,15,21 67:24 84:24 85:2 102:20 103:5,19 112:11,16 113:8 122:9 127:20 130:18 136:13 143:24 emotional 17:14 18:12 34:23 94:15 122:1 emotionally 17:23 18:20 19:11 28:21,22 29:7,12 30:2 34:1,3,21 35:3, 9,21 36:19 83:14 107:15,19 employ 137:20 employed 7:23 13:4 114:13,20 136:19 employees 119:24 122:8 employment 8:2 13:3 empty 104:9 en 24:22 encounter 34:11 138:4 140:4 encountering 123:14 end 34:12 40:7 91:5,12 93:15 94:24 95:1 140:8 ended 116:17 ends 93:21 enforcement 128:18 engage 23:14,15 engaged 24:11 47:3 engulfed 66:2 74:7 91:22 99:8 145:8 Enjoy 148:14 ensure 137:21 entire 76:13 83:9 EPD 65:1 episode 53:12 123:15 equal 112:9 equals 89:22 equipment 16:11 46:7 error 109:1 esc 133:14 escalate 133:2,16 establish 119:24 128:4	Estate 4:12 estimate 6:17,18 89:19 148:3 ethnically 52:14,15 evaluate 96:3 evaluation 22:4 even-steven 107:11 evening 49:15 event 22:12 60:10 61:19 62:11 63:13 eventually 115:20 evolution 100:6 exact 7:22 15:8,9 18:2 45:18,23 46:2 47:7 62:19 103:7 EXAMINATION 4:8 examined 4:7 examples 17:19 exceed 128:7 excited 123:14 exclamation 42:16,19 exercise 97:6 exercising 96:11 exhaust 6:11 exhibit 37:8,10 56:2 95:7,10 104:24 105:4 110:24 111:6 118:3,6,16,19 124:11,15 125:8 126:4,6,10 127:15, 18 130:6,9 131:8 147:15,16,18 exhibited 33:17 exhibiting 34:8 exhibits 34:11 exigent 116:14 exists 43:3,10,20 exit 64:11 65:3 67:9 96:19 100:16,17 128:18 exited 30:6,8,24 36:5,12,24 37:4 79:15,21 89:6 92:4 97:11,20 98:20 100:9,18 101:4 124:21 126:12 exiting 29:17 92:12 98:24 134:14 expect 100:14 expectation 100:11 experience 112:24	explain 55:16 104:7 explained 55:15 explaining 13:24 43:16 explanation 34:17 69:18 Exposure 39:8,10 expound 102:7 104:22 extent 50:21 extra 7:6 16:14 extract 102:4 141:22 extraction 139:19 141:10,13,24 extreme 122:22 extricate 75:11 128:24 139:24 <hr/> F <hr/> faces 39:9,11,15 facilitated 39:9,15 facing 128:7 fact 6:1 40:5 41:23 62:24 factors 12:24 facts 81:24 faded 148:9 fail 36:13 failed 36:10 failure 30:12 fair 37:15 38:16 39:21 148:13 falls 29:6,11 false 67:10 68:14 82:21 87:21 98:13 familiar 5:15 120:13 130:15 131:11 familiarity 11:13 family 143:18 fast 69:21 fear 122:14,17 feet 71:13 78:18,22 79:1, 4,6,11,12 86:23 89:17,20,22 90:2 91:18 101:19 102:2, 12,14,15 127:4 134:13 137:12 138:3,8 fellow 139:6 felony 8:4 felt 144:13	female 57:11 67:9 104:19 field 13:14,16 figure 62:3 65:9 figured 57:3 file 58:11 95:5 filed 5:20 fill 78:8 filled 70:2 filling 78:5 final 139:17 143:13 fine 34:19 110:19 finger 9:20 145:1,3 146:3, 6,11,14,23 147:1 finish 5:11 fire 27:17 28:9 65:12 70:13 77:7,17 90:12, 15,19 92:3 116:9 146:16,19 firearm 81:7 116:18 five-day 19:19 20:5 flames 66:2 74:7 76:5 77:1 91:23 92:7 99:8 127:11 145:8 flashlight 16:19 flee 30:14 fleeing 30:11 117:14 Floyd 44:12 Flurry 49:16 50:22 51:16 62:13 fly 68:21 follow 34:17,22 43:2 foot 15:19 89:9,17,18 92:18 133:20 139:6 force 18:22 31:9 68:23 72:10 78:16 80:7,15 86:19 87:4 90:8 103:5,13,14,15,17, 19 104:1,2 105:1 111:8,19 112:8,15, 19,22 113:6 116:21 117:4 137:10,18,22 138:4 140:20 144:13 forget 7:21 56:16 135:24 forgot 53:10,14 form 12:4 35:8,11,16 52:6 55:12 63:2 73:21 79:18 80:21 81:23 85:23 93:8 94:1 98:11 forms 94:21	forward 93:6 found 78:21 foundation 65:23 67:13 142:16, 20 143:2,9 four-foot 134:8,11 fourth 14:7 frame 39:22 47:7 74:6 135:5,6 friends 61:18,21 62:1,14,15 front 28:15 125:21 full 4:13 50:21 51:10 function 47:4 functions 48:4 <hr/> G <hr/> gang 13:20,21 14:5,13 45:5,24 46:1 50:7,9 gangs 45:9,11,13,19,21 gap 89:16 90:1 garage 103:1 Garcia 100:19,22 145:16 Garcia's 145:9 Garner 112:3 gauge 43:15 gave 60:16,17,21 61:2,10 64:2 72:14 100:7 115:3 145:2 146:3, 10,14 147:1 148:3 George 44:12 gesture 137:9 give 5:5,19 6:14,16,17,20 14:22 15:10 17:19 19:3 33:24 35:3,24 36:15 37:3 43:13,23 47:21 50:17 59:6 60:24 61:6 62:8 63:22 72:12 98:15 119:20 132:19 145:19 giving 7:12 146:5 glance 43:23 glass 16:15 goal 74:8 86:12 good 4:10 7:9 55:20 110:16,18 142:5 govern 112:14 grab 103:14 grabbed 71:12	graph 38:21 greater 91:17 ground 89:9 92:19 101:6 133:20 134:13 139:7 group 130:19 guess 6:19 31:7 32:10 38:11 67:2 guessing 19:6 guidance 119:20 guidelines 119:24 gum 68:6 gun 9:20,23 10:2 72:1,4, 8 74:21 75:7 78:19 79:16 80:9,14 91:17 93:1 97:13,15 98:2,4 101:4 115:15,21 116:21 guns 101:2,3 gunshots 70:23,24 <hr/> H <hr/> hair 70:17 hairs 29:13 half 5:7 14:15 57:19 76:10,13,22 99:23 124:5 Hall 22:15 24:3,9 75:9 88:23 114:1 Hall's 88:22 halt 72:14 hand 74:18 75:8 77:12 79:9 81:6,10 85:21 87:3 92:22 93:1 97:8 98:17 99:11 100:17 101:2 104:9,10 109:13 116:14 133:21 145:21 handcuff 103:15 handcuffs 16:16 handed 16:4,5 handle 100:9 handling 120:1 124:9 hands 36:15,17 72:18 75:10,23 80:3 81:21 85:4 109:23 132:6,7 happen 132:17 happened 146:8,18 happy 63:4 148:15 hard 28:24 41:5 69:18 104:9
--	---	--	--	--	---



harm 31:1,4 33:11,18 68:16,22 117:3 Hartman 22:13 23:20 24:9,10, 14,24 25:4,22 26:1, 6,11 32:20,24 49:18 100:19,24 131:2 Hartman's 126:3 head 62:4 68:6 76:4 77:19 138:12 health 22:1,7 119:21 120:3, 8 hear 12:13 14:18 28:4 83:23 123:7 heard 25:3 30:18 33:19 85:6 144:15 height 15:18 Heintze 58:10 60:17 78:21, 24 147:16 148:4 held 65:7 74:18 hid 53:15 hide 53:17,19 54:22 high 69:20 127:3 133:5 highest 11:16 highlight 97:3 highlighted 101:13 highly 114:7 Hillard 58:10 60:17 78:21, 24 147:16 148:4 hip 144:17,20 hired 13:11,12,13 Hispanic 15:15 45:22 Hispanics 40:22 history 13:3 144:18 hit 46:21 69:22 77:19 89:9 hold 11:16 28:14,17 33:13 64:16 84:1 100:12 103:14 108:8 holding 34:9 77:12 82:15 116:13 holiday 148:14 Holly 143:20 144:6 holstered 75:15 hook 16:17 hop 98:23 134:7,18 137:16 hoping 100:16	hopped 77:13 91:23 136:6 hopping 99:2 hospital 21:22,23 22:3 hospitals 21:24 hostage 115:20 116:15 130:21 hostages 130:21 hour 7:5 51:9 55:19 57:19 84:9 99:22 hours 7:1 20:18 47:14 51:8 76:10,13,22 house 103:2 human 10:15,20 11:2,19,21 hundreds 63:21 hurdles 5:2 hurtful 146:22 <hr/> I <hr/> I-90 8:18 23:1 26:8 51:12 140:19 idea 109:6 identification 26:23 37:11 39:9,11 56:3 95:11 105:5 111:1 118:4,17 124:12 126:7 127:16 130:7 131:9 147:19 identify 118:9,21 147:13 identifying 50:13 identity 54:22 ill 31:22 32:4 34:1,3,22 35:9,17,21 36:20 83:13 107:15,19 120:2,7 122:10 Illinois 60:22 64:2,9 65:1 67:7,19 76:8 85:1 90:4 111:23 123:24 124:8 144:21 illness 17:15,24 18:13,20, 23 29:16 30:3 31:20 34:24 35:5 94:16 118:20 119:4,16 121:4,7,11,24 immediately 46:19,22 127:9 impact 17:1 69:12,13,16,17, 18 77:12,14,20 78:12,15 79:8,13,16 80:5,14 81:9,15 86:18 87:2,3 97:13, 17 104:2 109:3 114:10 116:6 impaired 29:2 impairment 119:16 120:19,21 impartial 37:16 38:16 39:21	important 5:23 11:19,21,23 12:18 13:1 in-between 79:6 in-car 50:23 in-service 19:14,21,23 20:15 37:23 38:10,15 41:1, 4,14 inappropriate 122:19 incapable 92:19 134:11 incapacitate 69:23 70:6 incapacitated 70:24 incapacitating 77:20 incident 8:17 59:14,16 104:14,17 105:1 115:10 124:17 138:17,18,19 incidents 8:8 128:7 144:18 include 21:21 including 40:6 41:24 income 42:8 44:5 incorrect 10:17 29:8 74:5 78:20 100:5 116:16 135:20 index 9:20 indication 33:17,24 individual 21:14 22:2 117:3 121:12 136:22 individually 142:23 individuals 49:14 52:12 62:23 114:14 119:21 120:5 ineffective 70:15,18,22 73:14 98:6 inferring 43:5 inflexibility 122:23 inflexible 123:2 influence 28:23 29:3,9,10 34:4 139:10 information 6:10,13 63:23 inhalation 87:20 inhibited 39:11 initial 4:16 101:20 injury 68:12,16 ink 15:22 inside 7:14 28:4 31:12,16 49:18 65:15,17,22 66:6,10,22,24 68:16 77:1,20 87:13,19,22 88:2,11,14,18 92:7 133:8 136:23 138:22	instance 140:21 instruct 48:10 instructed 39:23 instruction 145:19 instructions 100:7 instructor 19:22,23 insurance 56:14 57:8 60:24 interesting 116:24 117:5 internet 148:9 Interrogatories 95:14 interrogatory 94:22 Interrogs 95:6 interruption 84:7 interruptions 76:18 intervention 27:13 interview 147:16 Investigations 54:6,7 investigative 128:9 involve 104:1 involved 41:18 59:3 63:24 91:13 135:5 138:17 irrational 68:7 irritate 70:3 issue 6:16 43:8 issued 9:16 17:7 35:20 111:13 issues 29:19 119:21 <hr/> J <hr/> J-E-N-S-E-N 4:15 James 56:11 57:7 January 130:11 Jensen 4:5,10,14,20 12:12, 21 37:8,9,13 42:7,9 56:1 59:9 76:9 80:1 84:13 94:20 95:9,24 99:9 105:3 110:23 111:5,17 118:2,15 124:10,15 126:5 127:14 130:5 131:7 143:13 147:17 Jensen's 95:5,14 107:23 Jim 49:17 104:6 125:11 139:16 job 34:10 jog 38:14 104:22 106:12	Joniak 26:22 27:12,21 30:15,16 33:19 64:23 65:17 67:8,18, 22 88:22,23 129:12 judge 50:15,16 judging 38:3 jump 77:6 85:10,11,14,17, 21 87:7 99:12 135:11 jumped 84:16 94:7 100:12 135:2 jumping 86:11 134:1,11 135:17,21 136:3 jumps 84:20 85:7 June 13:13 jury 50:15,16 <hr/> K <hr/> Kane 19:20 Kevlar 72:24 73:1 kill 81:19 killed 9:4 10:13,24 44:12 48:23 63:1,9 93:5 kind 10:16 24:7 85:15 106:11 knew 66:24 74:3 86:22 87:6 knife 26:21 28:14,18 33:14 34:9 64:20 65:8,14,17,21 66:12, 15,18 67:10 73:2 74:4 75:22 84:21 85:7,12,21 86:12 91:10 92:22 93:15, 22 96:16 97:7,21 108:5,8 109:18,21 133:21 138:2,9 144:17,19 knives 36:7 64:12,17 65:3,4 75:22 79:22 80:3 81:20 82:15 88:3 98:16 99:11 100:1,9, 12,14,17,18 107:6 109:13,20,22 110:3 140:13 145:21 knowing 10:10,14 11:1 82:15 100:1 knowingly 9:19 11:4 31:14 knowledge 29:24 30:5 101:5 <hr/> L <hr/> labeled 95:5 lag 46:20 Lalley 49:17 51:16 62:12 129:4 139:16	Lalley's 58:11 landed 70:20 lane 127:7 lanes 77:10 language 51:22,23 52:1 120:6 143:8 late 7:21 136:20,21 launcher 69:14,16 law 111:23 112:7 128:18 lawsuit 5:20 lead 13:10 leaguer 69:22 learned 18:19 leave 71:19 117:23 141:1 left 16:4,6 89:10 92:20 94:8 103:2 132:10 142:4 legal 32:3 length 148:1 lethal 79:13 80:7,15 86:19 87:4 114:10 116:6 117:3 138:4 letter 52:23 53:2,16 54:12, 15 lie 19:4 lieutenant 7:18,19 8:21 14:16 76:9 129:17 life 10:15,21 11:2,11,15, 19,20,21,23 12:17 34:12,14 47:9 52:9 69:6,11 75:6,7,14 86:13,16 90:24 98:9 Linda 145:14,15,17 list 69:8 113:9 125:12 144:10 listen 66:9 live 12:2 loaded 9:16 located 7:12 location 15:21 locked 132:13 lodged 70:17 long 7:20 19:24 51:2 57:18 101:3 lot 38:10 62:5 loud 40:3 42:10 119:18 128:14
---	---	--	--	--	--



lower 42:8 44:5 69:23 Lucy 143:20 lunch 7:5 <hr/> M <hr/> made 25:13,22 26:2 27:2 51:18,19 66:20 72:23,24 76:2 78:7, 11 85:7 87:19 88:5 120:16,21 138:11 magazines 16:14 maintaining 60:8 major 54:6 69:21,22 make 5:8 6:2 7:2 15:16 21:14 23:6 25:8 26:3,23 32:19,21 69:10 70:11 71:19 90:10,14 101:17 102:2,3,11 129:8 136:24 137:14 139:17 makeup 15:5,11 45:8 making 5:3 123:2 male 39:9,10,15 57:10,12 man's 57:13 Mandy 104:15 106:3,8 107:6,14,22 108:4, 12 109:12,19,21,23 110:2,10,13 Mandy's 107:3 manner 50:2 March 5:22 8:11 9:18 11:23 12:3 15:2 16:8 18:8 29:23 35:22 44:16 46:6 47:17 48:13 64:3 104:18 113:13 118:12,22 119:3 120:17 128:1 130:13 132:1 142:18 mark 40:7 95:4 104:24 marked 37:10 56:2 95:10 105:4 110:24 111:6 118:3,16 124:11,14 126:6,10 127:15 130:6 131:8 147:18 marking 37:7 marks 15:22 married 59:9,11,13 material 72:24 73:1 matter 60:12 106:19 116:19 mattered 12:18 matters 12:24 106:20 meaning 5:4 94:14 120:9 122:9 132:15,18	means 39:14 64:16 82:17 85:15 131:15 132:22 140:10 141:13 meant 67:14 74:1 mechanism 10:20 136:19 media 58:7 median 71:10,16 73:10,11, 18 74:2,15 77:3,9,13 87:10 90:6 91:23 92:15 94:6,8 97:22 98:10,18,23 99:2,13, 17 100:8 108:15,21 109:4 126:22 127:1, 6 133:19 134:1,11, 18 135:2,12,18,22 136:3 137:16 medical 29:11 meet 56:21 57:16 member 14:20 15:1 45:5 54:21 members 62:16 143:17 membership 46:1 memory 6:11,12 36:16 38:14 45:4 104:22 105:8 106:12 144:22 mental 17:15,23 18:13,19, 23 21:21,23 22:1,7 29:16 30:3 31:19,23 32:8,10,11,13,16 34:24 35:5 50:2 94:16 118:20 119:4, 16,21 120:3,8 121:3, 7,10,24 122:24 123:15 139:11 mentally 19:11 29:2 31:22 32:4 34:1,3,22 35:9, 17,21 36:20 83:13 107:15,19 120:2,7 122:10 messy 145:6 146:7,13,17, 24 met 28:19 56:7,9,13 57:5,6,20 143:19,21 MID 54:4 middle 4:16 101:9 114:12 145:1,3 146:3,6,11, 14 midnight 13:17 14:16 mile 124:5,6 mind 33:1 mindset 67:3 minutes 7:6 47:10,12 49:2 50:19 55:19 80:1 84:9 143:15 misdemeanor 8:4 missed 148:10	misstates 18:11 85:24 98:12 misunderstood 51:17 mitigated 12:19 mobilize 129:20 mode 51:10 module 41:1 131:12 moment 60:4 80:17 92:17 morning 4:10 8:11 9:18 11:23 14:9 motivated 122:2 motorcycle 45:24 move 101:18 114:9 moving 85:16 92:19 137:13 munition 116:6 munitions 114:10 muscle 69:23 music 28:4 mute 60:4 84:1 147:6 <hr/> N <hr/> names 52:10 62:1,19 narcotics 122:1 Nazi 52:18 53:5,6,12,13 54:13,20 55:1 neck 66:18 needed 51:5,6 105:17 negotiate 24:14,18 26:3,8,12 negotiating 23:24 35:8 76:21 negotiation 76:10,14,16,17 negotiations 24:4,11 25:1,4 32:22 130:10 negotiator 22:8 90:14 120:23 130:24 negotiators 120:23 Nerf 69:19 night 8:11 14:9 16:8 22:17,20 34:7 46:6, 11 48:22 49:13 51:14 69:9 70:9 105:10 113:13 114:2 117:11 119:12 120:17 122:15 124:17 129:21 131:1,24 136:7 141:4 142:18 143:4 144:12 non-appreciation 52:24	non-attorney 56:17 non-lethal 69:8 72:10 78:16 non-police 62:23 non-response 132:20 nonetheless 81:10 147:1 normal 36:20 northeast 105:13 Nos 95:10 nose 89:2 note 16:19 noted 12:7 notes 14:1,3 notice 29:24 noticed 26:19 nourishment 7:7 number 13:7 25:17,20 103:7 111:22 numbers 15:5,8 45:18 nutshell 112:10 <hr/> O <hr/> object 12:4 18:10 32:2 35:10 52:6 55:12 59:20 63:2 65:23 67:12 73:21 79:18 80:21 81:12,23 85:23 93:8 94:1 98:11 objection 12:7,15 100:3 104:5 objective 96:19 objects 12:9 26:19 27:22 28:12 39:10,12 73:4 observation 27:3 observations 68:4 observe 24:5 26:9 67:20 observed 26:24 observing 24:6 obstinance 146:20 obtain 20:22 23:2 obtained 25:16,19 OC 104:8 occasionally 138:20 occurred 24:21 44:16 61:16 124:17 occurrence 62:18	October 13:14 14:6 off-the-record 142:16 offended 146:10 offensive 146:21 offered 19:19 office 7:15 19:20 29:20 officer 4:10,20 7:24 8:12,15 9:1,3 12:12,21 13:11 19:14 22:13,15,20 24:1,10 26:1,6,22 27:12,21 30:15 31:3 32:20,24 33:6,16,19, 23 34:10 37:13 42:7 48:18 59:9 64:18,19, 23 65:4,15,17,21 66:12,16,21 67:18, 22 71:11,17 75:9,10 80:1 83:18 84:13,23 94:20 95:24 99:9 107:23 110:10 111:5,17,18 112:16 114:1 116:11,19 124:15 129:12,13,17 136:22,24 137:13 139:1,2 141:5 143:13,23 145:15 officer-to-officer 48:5 officers 11:15 22:17 23:16 24:2,9 27:20 44:23 62:7 64:10 65:2,10 68:1,21 72:17 76:19 85:3 92:16 97:9 113:7,8,15 114:17 115:24 120:22 121:15 122:9 129:9, 10 130:20 131:21 137:3,8 139:6 142:17 Olson 53:13 55:2 one-day 21:12 Online 58:14 59:8 61:23 open 16:17,18 75:19 88:11 90:10,15,18, 23 101:21 102:2,11 108:17 135:1,7,8,10, 19 136:4 141:18 opened 66:8 91:4 108:23 117:11,17,20 134:15 141:19 142:1 opening 91:9 141:13 operating 4:24 11:9 72:3 118:10 119:18 120:10 127:19 130:10 operational 113:21 114:1 operations 129:23 operative 120:6 opinion 44:22 92:7 opposite 133:11 140:10,18	option 11:1 73:8,10,13,14, 18 74:2 95:24 96:4 97:6,19 109:8 140:20,21 options 9:11 69:8 112:22 113:7 order 11:8 24:14,16 54:4 69:10 72:12,14 92:20 93:2 99:3,16 123:10,11 137:21 ordered 85:9 Ordering 36:2 orders 100:7 145:19 orientation 124:24 outcome 35:4 outcomes 76:5 Outlaws 45:24 outlining 112:7 overdose 105:17 106:6,8,11, 14 107:16,20 oxygenate 77:16 <hr/> P <hr/> p.m. 55:22 56:5 110:20 111:3 142:10 PA 25:6,9,10,11 117:21 pad 16:20 pads 68:20 pages 147:24 pain 70:3 paint 70:2 pairs 16:16 pandemic 4:23 paragraph 97:1,2 Pardon 26:16 53:18 part 10:11 50:8 64:21 65:9 97:4 146:16 participating 6:6 particulars 60:15 parts 45:2 pass 51:9 passenger 101:23,24 139:23 past 29:21 102:17 patrol 13:17,19 patrolmen 17:9
---	---	---	--	---	--



<p>peaceful 130:23 131:19 140:10</p> <p>peacefully 140:4,8</p> <p>pen 16:19</p> <p>pending 6:23</p> <p>people 17:23 19:10 31:22 32:12 34:22 35:17 36:20 41:9,16 42:8 44:6,7,17,19 50:6 52:10 54:23 55:10 60:14 61:20,22 62:4, 5 63:21,22 75:10 139:9 144:1 146:22</p> <p>pepper 16:15 69:14,15 70:1, 2 71:24 72:1,4,8 97:10,13,15 139:23 145:17</p> <p>perceived 93:2</p> <p>percent 15:14,15 40:14,17</p> <p>percentage 15:17</p> <p>perception 38:23 39:7</p> <p>periodic 6:24</p> <p>permission 90:18,22</p> <p>person 16:12 28:21,23 29:7, 12 30:2 32:5 34:1 35:3,9,21 50:13 52:22 54:9 56:21,24 61:15 62:9 63:20 69:24 70:3,7 73:15 77:23 83:14 113:16 122:11 123:14 128:15 131:21 132:18 134:8</p> <p>person's 32:11 56:15 103:14</p> <p>personally 28:11 31:1 61:14 113:12 115:11</p> <p>persons 17:14 18:20 118:19 120:1,7 121:3</p> <p>perspective 37:17 38:17</p> <p>pertain 122:23</p> <p>phone 7:3 25:14,16,20,23</p> <p>phonetic 49:16 53:21 106:14</p> <p>photograph 124:20 125:17 126:9,15</p> <p>physical 66:20 104:1 122:24</p> <p>physically 77:12 135:14 136:1, 2,5</p> <p>picked 77:14</p> <p>picture 115:8 124:15</p> <p>pie 102:6,10</p> <p>pieces 46:7</p> <p>pin 31:10</p>	<p>pinned 31:6 87:9 125:19,24</p> <p>pinning 28:16 77:4 145:4</p> <p>pistol 116:17,20 117:2</p> <p>pitch 69:21</p> <p>place 91:16 92:10 135:3</p> <p>Plaintiffs 95:6</p> <p>plan 91:10 98:8,15,16 99:1,5,7,9,10,19,20, 21,24 129:23 139:18 140:3,7,11 141:10</p> <p>planned 97:20</p> <p>plans 51:2 139:4</p> <p>play 18:7 24:3 83:20,24 84:3,8 88:21</p> <p>played 84:10</p> <p>playing 28:4</p> <p>point 13:18 27:5 28:17 31:9 32:17 33:21 67:3 68:23 72:5 73:9 75:15 77:11 78:4,23 81:18 91:3,11 92:6 97:23 117:11 127:5 144:24 145:7</p> <p>pointed 65:8 91:17 101:3 109:20,21</p> <p>pointing 104:10</p> <p>points 42:16,19 111:22</p> <p>police 7:14,17,24 8:7,12,15 9:16 11:10,14,18 13:5,11 14:21 17:11, 19 18:5 19:1,13 20:14 21:1 28:20 33:23 34:10 42:21 43:9,18 44:1 46:3 47:3 48:4 58:9 60:22 62:6,18 63:13,18 64:3,10,18 65:1,21 66:12,15,21 67:8,19, 20 68:1 76:8 84:24 85:1,2 90:5 103:5,20 111:7 112:11,16 113:8 116:19 122:9 123:24 124:8 126:18 127:20 130:18 136:22 138:17,18,19 143:23 144:21,22</p> <p>policies 30:21</p> <p>policing 37:16 38:17 39:21</p> <p>policy 48:12 119:23 128:3, 6 130:17,18 138:24</p> <p>poor 35:8,16 109:10,11 135:15,23</p> <p>Poplar 104:19</p> <p>population 15:5,11 40:13,16,18</p> <p>portable 25:10</p> <p>pose 68:12,15</p>	<p>position 31:15 82:13 93:18 133:18 135:4 145:20</p> <p>positioned 108:15</p> <p>possessed 96:16</p> <p>possibilities 76:1</p> <p>possibility 75:20 86:4,5,7,10</p> <p>possibly 30:12 87:7 106:5 115:8</p> <p>potential 70:20 121:23</p> <p>potentially 105:16 106:1,2 121:16</p> <p>Powerpoint 37:21 38:2 41:2,8,13 43:14,19 44:9 45:1,3 111:13 115:4,11 131:11</p> <p>practical 123:16</p> <p>predominantly 45:20</p> <p>prep 56:20</p> <p>preparation 56:8 57:6,21 58:8</p> <p>prerecords 46:23</p> <p>present 56:24 58:4 61:7,9 148:4</p> <p>presentation 37:21 38:7,8 40:20 41:14 43:3,5,15,19 44:14 111:7 115:4</p> <p>preserve 34:12,14 69:10 86:12,15 90:24 98:8</p> <p>preserving 69:5</p> <p>pressing 84:8</p> <p>pretty 69:20 138:19</p> <p>prevented 108:20 133:24 135:17 136:3</p> <p>preventing 136:5</p> <p>previously 23:23</p> <p>primary 75:2,4,6,13,14</p> <p>prior 4:23 8:2 27:17 29:17 35:22 91:9 123:19 134:12,14 144:11 147:22</p> <p>private 60:2</p> <p>privilege 59:21,23,24 60:8</p> <p>problem 125:15</p> <p>procedure 4:24 11:9 118:10 119:19 120:10 127:20 130:10</p> <p>procedures 120:3 128:4</p> <p>proceed 4:2</p> <p>process 51:3</p>	<p>program 13:15,16</p> <p>progress 8:18</p> <p>project 69:19</p> <p>projectile 69:19</p> <p>promoted 13:22</p> <p>properly 70:6</p> <p>proportions 45:17</p> <p>protect 73:7 74:3</p> <p>protection 23:2</p> <p>protocol 138:16</p> <p>provide 57:14 120:3 130:19</p> <p>provided 58:13</p> <p>proximity 81:6</p> <p>psychologist 63:17</p> <p>public 138:21</p> <p>pull 30:13 82:22</p> <p>pulled 10:2,4 11:4</p> <p>pulling 104:23</p> <p>purpose 119:18,22,23 128:3</p> <p>pursuant 128:21</p> <p>pursue 30:22</p> <p>pursuing 30:19</p> <p>push 46:16</p> <p>put 23:22 29:23 31:14 38:20 67:19 72:3,7 111:17 134:6,22 135:23 137:1,3,11</p> <p>putting 54:2 108:21 118:6</p>	<p>quickly 85:16,20 92:4</p> <p style="text-align: center;">R</p> <p>race 144:4,6</p> <p>racially 49:20,23 52:11</p> <p>radio 16:15 33:19</p> <p>raised 33:5</p> <p>ram 31:15</p> <p>ramming 31:6,10,11,18</p> <p>ran 140:18</p> <p>range 81:15 113:21 114:1</p> <p>rank 7:16 13:23</p> <p>rapidly 115:17</p> <p>rapport 21:16</p> <p>rate 40:21 41:15</p> <p>rated 73:3</p> <p>RAVEENDRAN 83:16,22 84:1,8 95:4 104:24 125:11,15 126:4 147:15</p> <p>reactions 121:24 122:10</p> <p>read 40:3 42:10,13 43:14, 22 45:2 81:1,3 95:21 97:2 106:12 119:17, 22 128:14 130:17 148:12</p> <p>reading 38:9 64:24 96:22,24</p> <p>ready 72:15 84:21</p> <p>real 98:8 116:18,20</p> <p>rear 101:23</p> <p>reask 10:23</p> <p>reason 17:5 30:19,21</p> <p>recall 17:16 18:12,16,17 20:24 21:11 22:16 23:11 24:6 26:5,6, 10,14,17 27:7,19 28:5 33:9 37:20 38:5 40:23 41:8,11,13,19, 21 42:1 50:19 53:8 54:1 55:7,9 61:4 62:5,21 63:20 64:4, 9,13 65:16,18 72:2 76:11 94:20 101:1 102:14 105:10,12 106:10 111:7,12,14 115:3 118:1 124:8 143:22 144:3,19 146:5,9 147:2</p> <p>receive 21:18,21</p> <p>received 19:9,12,14</p> <p>receiving 19:17</p> <p>reckless 30:12</p>	<p>recognition 120:1 121:2</p> <p>recognizing 121:16</p> <p>recollection 17:21 18:9 24:10 38:8 40:22 47:24 55:3 61:14</p> <p>reconvene 110:16 142:7</p> <p>record 4:1 6:2 47:6 49:10 55:21 56:5 60:4,6 81:3 83:16,19 110:20 111:3 142:9, 14 147:6,10 148:18</p> <p>recorded 6:1 50:23 67:14</p> <p>recording 46:19 47:8 138:24</p> <p>records 21:1 58:6</p> <p>refer 49:19,23 50:1</p> <p>reference 50:6 53:11</p> <p>referring 50:13</p> <p>refers 39:24 113:8</p> <p>refresh 36:16 45:4 144:22</p> <p>refreshes 105:8</p> <p>refused 64:11 65:2 67:9</p> <p>refuses 128:18</p> <p>regard 11:16 19:10 62:10 96:2 127:21</p> <p>regulations 63:16</p> <p>related 62:23</p> <p>relevance 52:7</p> <p>relevant 39:10,12</p> <p>remained 9:3</p> <p>remember 18:2 36:17 38:1,12, 18 41:5,17 63:12 104:14,17 108:6,11 111:10 115:10 132:3 133:22 144:2 146:4</p> <p>remote 15:20</p> <p>remove 78:1 101:11 102:3</p> <p>render 79:12</p> <p>rendered 70:18,22 98:5</p> <p>repeat 80:24</p> <p>repetitive 35:7,15,20,24 132:3, 7,11,13,19 133:1,10, 15</p> <p>rephrase 57:5 91:8</p> <p>report 58:9,10,11 67:8,19 76:8 78:21 79:3 106:13 144:21,23</p> <p>reporter 6:2 81:1,4 82:3,4 125:12</p>
--	---	---	--	---	--



reports 59:3 115:14 representative 56:13 57:8,10 represented 44:6 representing 4:12 44:22 request 123:16,19,22 requested 81:4 124:1 139:15 required 6:3 rescue 73:15 resembled 26:20 reserve 148:9,11 resistance 118:11 resisting 114:13 resolution 116:12 130:23 131:19 resolve 21:17 131:16 140:4 resolving 128:7 resources 51:4,6 respect 11:11,13,15 16:3 18:19 25:4 35:16 40:21 50:12 132:11 respond 129:14 130:20 139:16 responded 37:4 104:18 129:17 responders 128:8 responding 107:22 108:1 118:19 129:5,7 response 36:21 39:3,8,20,24 41:15 42:20 51:11 118:11 132:14,15,22 137:10 142:21 rest 15:16 38:6 result 5:19 35:4 50:2 80:18 87:20 90:6 94:15 107:19 retreat 82:9 90:6 92:10,20 93:11 98:22 99:16 retreated 99:15 retreating 99:2 return 116:21 reveal 58:20 reverse 137:1,4,7,13 review 21:1 46:5 58:18,24 59:1,7 64:6 reviewed 58:7,11 147:21 reviewing 58:17 rifle 145:17	rights 96:8,11 rigid 123:1 132:14,22 rigidity 122:22 Rob 49:18 role 18:7 22:19 24:3 roll 23:3 rolled 27:10 28:2,3 Romanucci 4:9,11 12:8,20 18:14 32:6 35:14 37:12 42:4,6 52:13 55:18 56:6 59:5 60:3,7 63:6 66:3 67:23 73:24 79:24 81:1,8, 17 82:1,5,6 83:20,23 84:3,11 86:6 93:13 94:3 95:12,17,19 98:14 100:10 104:13 105:6 110:15 111:4 118:5,18 124:13 125:9,16 126:8 127:17 130:8 131:10 142:2,6,15 143:6,10, 12 147:5,11,20 148:7,13,15 room 56:24 root 40:5 41:24 round 69:18 143:13 route 24:22 rule 121:23 rules 5:15 63:15 running 93:15,22 140:18 rush 51:9 S safe 123:15 124:4,5 safely 134:19 safer 135:3 safety 69:2 SAITH 148:19 salute 145:2,3,4 146:4 sanctity 11:11,15,20 86:12, 16 90:24 save 74:9 75:7 saver 75:14 saving 75:6 scenario 115:3 scenarios 76:2,4 99:23 139:4 scene 8:17,24 22:11,17 23:16 24:9,21,23,24 27:8,18 29:23 31:4 33:6 47:18 48:1	61:17 68:1 69:10 83:10,12 96:1 101:7 105:10 113:12 115:24 117:24 123:22 124:2,3,4 128:24 129:5,9,10, 13,21 131:1 136:14, 17 139:2,14 Schuttrow 83:18 84:23 85:3 88:23 141:5 Schuttrow's 83:18 88:22 science-based 37:16 38:17 scream 87:19 screaming 87:12 screen 37:13 search 102:22 103:3 seconds 84:9,17 92:3 section 114:12 121:2 Seinfeld 53:12 Seitz 104:15 send 125:12 sentence 53:4 96:15 101:10 separately 56:21 sergeant 13:23 14:6,8,11 22:13 23:20 49:17, 18 51:16 53:13 55:2 126:3 129:4 131:2 139:15 serve 133:2 service 103:23 set 94:21 125:3 133:20 settled 102:19 sharp 27:22 28:11 73:4 shelter 128:16 shield 72:21,23 73:6 74:18 75:8 134:7 shift 13:17,18 14:8,16 shock 70:7 shoot 77:15,17 short 55:18,24 84:7 110:22 142:12 shot 10:7,13,24 63:1 69:20 70:5,20 71:4, 7,14 78:19 80:13 83:3,7 84:18 86:23 89:14 91:14,15 93:5 108:17 123:20,23 124:22 127:12 129:9 138:11,12 139:7 141:23 show 37:7 38:6 42:4 132:6 144:24 147:12	showed 33:11 101:16 122:14,17 showing 43:18 64:17 111:5 124:14 126:9 shown 41:6 125:13 143:3 shows 146:20 147:24 SID 54:4 side 16:6 23:1 27:4 74:2, 15 77:6,7,9,17 84:16,17 93:18 94:5, 7 97:9,22 98:10,17 99:13 100:8,21,23, 24 101:24 108:15,21 109:4 127:6 134:1,2 135:3,12,13,18 sidearm 16:14 71:21 72:21 74:12 82:18 86:18 92:24 104:2 110:2,7, 13 sidearms 101:2 signature 95:1,2,7 significant 46:1 Similar 105:19 simultaneous 70:14 simultaneously 70:21 98:4 single 30:9 sir 6:8 8:5,9,13,15,16, 22,23 9:10,14,17,21, 22 10:1,5,6,9,15,17 11:6,7,12 12:3 13:9, 24 15:3,24 16:7,22, 24 17:2,4,17 19:7 20:6,21 21:10 22:18 24:20 25:15 26:5,15 27:14,24 29:13 30:7 31:2,13,17 32:19 33:9 34:5 35:6,13 37:14,19 38:5 39:1 40:9,23 41:3,21 42:24 43:22 44:8,20 45:7 46:4,10,13 47:11,13,15 48:16, 24 49:7,9,12,22 50:4 54:10 55:11,15 56:16,23 57:2,9,22 60:11 61:8 63:10 65:10 66:19 67:6 70:14 71:6,15,18,23 72:11,16,19 73:19 74:6,14,17,20,22 75:1,24 76:3,12 77:24 78:6,17 79:2 80:11,24 81:7 84:14, 19 85:13,18 86:9,21 87:1,5,8,11,15 88:13,15,19 89:4,12, 23 90:16,21 91:1,7, 24 92:13 94:9,13,19, 23 95:16 96:10,13, 18,24 97:16,18 98:1, 3,7,13 100:5 101:5, 8,15 103:7 105:9,11, 15,18 106:18 107:5, 13 110:14,18 111:9, 12,15,16 112:5,13, 21 113:2,5,16,23 114:3,5,19 115:2,6	117:1,7,18 118:1,8, 14 119:5 120:12,15 121:5,9,14,19 122:4 123:3 124:19,23 125:2,7,21,23 126:17,20 127:23 128:2,5,10 129:16 130:1,16 131:6,23 132:2 133:23 134:15,19,23 135:5 136:6 137:19,24 138:10,14 139:13 140:2,9,24 141:3,8, 15,21 142:5 143:22 144:15,23 145:13,18 146:8 147:23 148:2, 6 sit 17:21 18:20 21:8,11 22:10 28:10 41:7 62:21 site 141:4 sitting 88:18 situation 21:17 35:18 116:22 130:23 131:16,17 133:5,6 138:22 situationally 122:2 situations 130:21 sizeable 45:19 skills 94:11 slang 145:3 slashing 88:3,12,17 sleeves 15:21 slicing 102:5,9 slide 38:22 39:6,22 40:1, 20 41:8,11,17,22 42:5 43:19 111:17 114:10 slides 38:14 41:5 slowly 109:19 small 45:21 smart 109:5,7 smoke 77:18 78:5,8 87:20 89:2 smoking 99:11 sneak 54:3 snipers 101:6 SOP 112:12 118:12,21 119:2 141:9 SOPS 112:14 sound 83:24 84:4 103:20 148:1 Sounds 7:9 55:20 142:5 Soup 53:12 south 126:22	space 19:3 137:23 speak 5:24 21:13 22:22,23 23:7,8,10 25:6 57:23 63:16 68:19 76:18, 19 Special 54:7 127:21 specific 19:9 41:11 specifically 17:12 29:1 41:8,13 59:6 130:19 speculate 15:9 17:18 19:2 31:21 32:24 67:2,13, 18 81:14 89:4 speculation 80:22 81:12 speed 6:15 68:19 spelled 4:14 spend 12:22 spent 76:13,14 spit 89:21 split 14:8 29:13 spoke 23:12 49:17 56:19 57:24 58:1 60:1 63:15,21 105:24 spoken 50:18 60:14 61:3,11, 12,15 62:2,9,12,13, 15 spouse 59:21 spray 16:15 104:8 139:23 spread 20:19 Spreadsheet 105:1 squad 25:12 48:6 49:4 50:24 92:2 138:23 139:14 squat 137:15 stab 108:4,9 stabbing 33:20 73:2,4 stage 124:4 staged 124:7 stalled 8:18 stand 84:21 85:8 124:1 standard 4:24 118:10 119:18 127:19 130:10 standing 11:9 80:12 86:22 125:5 138:3 start 51:9 96:7 98:22 104:22 started 51:8 77:14 90:12,15, 19 146:19 starter 116:17,20 117:1
--	---	--	---	--	---



starting 27:17 77:18 146:16, 17 starts 38:23 46:18 101:11 state 4:13 30:9 58:9 60:22 64:2,9 65:1 67:7,20 76:8 85:1 87:18 90:5 94:10 95:23 100:19 111:23 123:24 124:8 144:21 State's 19:20 stated 144:16 statement 18:4 28:11 60:16,17, 21,24 61:3,6,16 64:2,6 65:1 67:11 85:6 138:12 statements 61:10 88:4,6 states 95:23 96:15 station 24:22 statistical 15:5 stats 41:18 statutes 111:23 stay 100:8 steak 26:21 107:6 step 89:22 92:9 96:3 stepped 80:18 81:20 101:18 102:12 139:6 141:23 steps 41:6 89:5,14 90:1 123:6,13 stereotype 43:4,11,21 44:17 stereotypes 40:6 41:24 46:3 stereotyping 39:16 stick 147:7 stipulate 143:2 stipulated 143:8 stipulation 142:20,22 stomach 69:23 109:21 stood 98:21 99:14 100:20 140:15 stop 10:17 14:4 82:18 83:21 93:2 135:21 street 18:22 19:11 44:7 144:1 stress 133:5 strike 49:24 71:2 91:2 119:8 strong 16:6 structure 128:17	stuck 77:20 study 38:23 39:7 subdued 116:5 subject 33:5 68:2 115:15,20 116:5 117:6 128:12, 15,21 129:1 131:4 subjected 17:14 subjects 130:22 submit 128:19 successful 116:12 sued 102:17,18 suffered 29:16 suffering 30:2 31:19 121:3,8 suggestion 70:20 suicidal 29:21 34:7,8,11 67:1,5 68:2 104:18 105:17,22 106:1,3 144:18 supervise 14:13 supervisor 14:11 supervisors 76:19 supposed 21:13,15 48:18 72:18 suspected 120:2,7 121:3,7 123:14 suspects 19:10 114:20 suspicious 30:20 SWAT 14:21 15:1 51:10,13 62:16 116:2 127:22 128:4,23 129:3,4,6, 7,9,10,12,14,20,23 131:4 136:13 swear 7:22 swiftly 85:16,20 sworn 4:4,7 7:24 8:14 50:15,16	T tactic 137:21,22 tactical 93:18 97:12 109:1 130:9,24 134:23 145:20 tactics 109:10 127:21 131:19 135:15,23,24 136:1 takers 130:21 takes 70:5 taking 4:20	talk 19:3 22:19 23:16 46:7 99:1,4 112:23 132:11 talked 36:8 41:9,14 49:14 61:18,20 62:17 63:12 112:23 113:6 114:11 132:3 133:18 talking 25:10 48:17 49:13 51:2 63:19 68:6 76:15,20 102:1 103:16,17 135:24 136:1 talks 11:10,18 39:2 95:13 113:19,20 114:10,12 122:22 123:5 taser 16:21 17:3,6,7 69:14 70:4,10,12,15,19,21, 22 71:2,4 72:15 75:10 97:14,23 98:5, 20 104:2 108:11,16, 22 109:1 113:19,20 114:2 140:17 tasers 17:8 108:13 110:12 tasked 128:6 tattoos 15:22 taught 19:2,22 teach 131:20 team 14:21,23 23:24 51:10 62:16 116:2 127:22 129:6,20 130:10,22 136:13 technique 102:5 techniques 19:15 131:17 telling 43:3,9,20 64:9 tells 12:10 122:8 temporary 29:5 122:1 ten 13:22 84:9 103:10 ten-minute 110:15 tendencies 34:12 Tennessee 112:3 term 50:8 138:19 terminate 30:17 terms 15:6 75:6 tested 73:5 testified 4:7 33:13 50:9 testify 58:22 testifying 50:14 testimony 18:11 50:11,15,16 55:6,7,16 63:11 65:7 85:24 88:10 89:13 98:12 134:10 138:7 Thanksgiving 148:16	thereof 28:24 thing 6:9 31:5 things 6:11 19:2 44:10 54:23 55:17 104:12 109:8 148:10 thinking 5:9 thought 39:18 threat 10:18 66:21 68:12, 15,22 88:2,5,6,7 93:2 threaten 68:9 87:22 threatened 30:24 31:3 144:12, 14 threatening 137:9 throat 28:15,18 33:14 34:9 108:9 tie 24:7 time 4:2 6:15,21,22 8:3, 14,21 9:12,18 12:16, 22 13:18 17:7,20 26:10,20 27:7,24 28:1,7,8,13 30:6,23 33:1 38:4 39:22 46:23,24 47:6,7,19 48:13,17 49:15 50:11,14 53:20 55:4, 21 56:5 57:1,21 59:13 63:7 64:21,22 65:6,12,19 71:4,7,11 72:2 74:5 75:15 76:15,17,20 77:5,23 83:9,12 84:15 86:13 90:18 92:6,17 93:12 94:2 97:11 99:21 101:1 111:3,10 118:24 131:18,22 133:19 134:5 135:5, 6 137:10 138:24 140:16 142:9,14 143:20,24 144:11 146:9 timelines 47:21 times 10:4,7 40:17 55:8,9, 13 65:11 100:7 102:18 103:4,19 148:10 today 5:3 12:23 13:4 18:21 21:9 22:10 28:10 41:8 56:8 96:12 138:7,15 today's 64:7 147:22 told 5:23 7:10 13:3 16:9 20:12 30:16 33:4 36:3,13 40:12 53:19, 20,21 54:2 59:19 60:10 80:1,6 90:4 103:18 117:19,23 121:15 Tony 4:11 tool 10:20 16:16 109:11 tools 131:18	top 62:4 132:10 147:24 town 50:8 traffic 30:20 127:7 135:13 train 39:19 trained 20:13,14 22:8,20 35:15 44:15 108:16, 22 111:7,11 114:24 120:22 130:20 training 13:15,16 17:11,13, 18,22 18:2,5,9,12, 16,24 19:9,12,14,17, 22,24 20:1,7,15,17, 18,23 21:1 33:22 38:10,15 41:1,14 42:22 43:9 131:12 trainings 41:4 trains 11:14 44:23 transcribed 60:20 transcript 61:5 transferred 13:18 transient 29:6 transport 22:7 trapped 135:8 Travelers 56:14 61:1,3,6,10, 11,13,15 Trazodone 106:15 treatment 120:3,8 trial 56:20 tricky 143:7 trigger 9:20 10:2,4 11:4 tripod 125:3,5 true 8:19 9:1,2,4,5,6,7 10:2,3,11,12 13:5,6 24:12,13 30:3,4,6,7 31:16,17 34:13 43:21 48:1,2,23,24 49:6 53:24 54:9 60:22 66:11,22,23 67:1,5,24 68:4,10, 11,13 70:16 72:12, 13,21,22 74:10,11 75:23 76:6,7 77:3 78:13,14,19 79:10 80:15,20 82:7,20 83:14,15 86:13,14 87:20 92:15,22,23 93:3,4,7 98:6,10 112:17,18 126:19 127:1,2 132:1,23 133:16 turn 48:10,21 123:4 134:18 138:16,20,22 139:1 turned 48:18 49:1,5 50:20 type 16:18 23:2 52:1	typically 6:24 89:22 U unable 25:8 unarmed 100:18 unclear 106:11 understand 13:2 74:1 75:4,14 91:7 94:14,17 understanding 15:11 40:13 43:8 47:1 67:4 understood 6:7 143:10 underwent 20:9 uniform 9:6 unit 13:21 14:10,12 15:1 45:6 129:14 units 128:9 unsure 73:3 113:14 usage 48:15 utilize 97:13 140:17 utilized 70:10 98:20 V vague 73:22 86:1 94:2 138:19 vagueness 12:15 validate 109:11 vehicle 8:18 22:24 25:11 26:3,12,20 27:17 28:6,9,12,16 29:17 30:6,9,20,24 31:10, 11,15,18 36:5,12,24 37:4 48:8 49:18 64:11,12,19 65:2,3, 5,11,12,15,18,22 66:10,22,24 67:10 68:17,18,20 71:22 73:16 74:6 75:11,16 77:2,5,7,19,21 78:2, 13 79:15,21 80:3 81:20 82:8,19 87:7, 13,19,23 88:2,11,14, 18 89:6 92:5,8,12 96:20 97:7 98:20,24 100:13 101:4,20 102:6 124:22 125:4, 19,20,24 126:12,19, 22 133:8 134:14 135:9 136:8,12,14, 20 139:20 140:12 145:8 146:16 vehicles 31:6 125:18 126:18 136:23 velocity 69:21 verbal 23:2 66:20 88:4,6,7 verbally 144:12,15
---	--	--	--	--	---	--



versus 102:20 112:3 vest 16:12 video 4:21 36:17 46:19 61:23 82:22 83:1 84:10,12 88:17 89:11 101:16 138:23 143:3,4 147:7 148:11 video-wise 6:1 videos 58:12 142:17,21 143:3,8 view 102:6 violence 31:1,4 violent 31:7 violently 114:13 visual 38:23 39:7 voice 84:20 volition 96:20 <hr/> W <hr/> wait 5:6,11 92:6 waiting 83:1 waive 59:23,24 waiving 96:8 walk 19:8 109:12 walking 76:14 109:19 110:3 wall 90:6 wanted 33:11 war 87:18 88:7 warn 142:17 warrant 102:22 103:3 watch 14:7 89:11 watched 61:23 watching 76:15 wave 89:2 weak 16:6 weapon 9:13,15 10:19 11:1,5 16:4 36:2,4,5 63:8 69:13 70:13 71:9,20, 21 73:5 77:12,14 78:12,15,16 79:8,13, 17 80:5,14 81:9,15 86:18 87:2,3 97:13, 17 104:10,11 109:3, 22 113:19 116:9,13, 17 137:6 weapons 17:1 36:11,14 80:20 81:6,19 114:21 127:21	wearing 9:6,8 16:9 46:8,11 week-long 20:1 weeks 57:17 weight 15:18 west 77:7,9 125:6 126:1, 15 westbound 8:18 26:7 74:15 77:4 84:17 97:21 98:10, 17 99:13 100:21,23, 24 125:1 134:2 white 15:6 39:10 41:15,16 45:9 104:19 117:6,7 144:7 wife 59:17 60:1,9 62:10 Williamson 22:13 24:3,9 145:15 window 23:4 27:1,4,6 28:2 77:22 78:2,9 139:23 141:14,20 windows 27:10 77:15 wise 109:1 withstand 73:1 woman 105:12 146:13 word 50:5,12 52:15,22 53:5,13 55:5,10,11 64:15 85:14 86:1 words 22:22 23:8,10,12 49:20 50:17 52:10, 11,14 54:14,15,16 131:15 146:22 wore 142:22 work 18:22 46:2 98:23 working 7:4 48:7,9 world 4:24 worn 145:5 Wow 116:23 write 6:3 54:12 writing 14:1,3 wrote 53:20,21,22 54:8 67:20 <hr/> Y <hr/> year 14:14 20:22 21:8 41:4 44:13 103:22, 23 years 7:23 8:1 13:5,8,22 14:12,24 18:2,17 38:2,10 44:11 104:19 143:24 yelling 36:17	<hr/> Z <hr/> zoom 57:2,6	
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